"Public" Space for Whom? Encampment Evictions, Spatio-Legal Exclusion, and Differentiated Urban Citizenships in Toronto

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ABSTRACT

In the summer of 2021, Toronto police executed violent raids, brutalizing vulnerated encampment residents and their supporters in three downtown public parks. During these evictions, state violence manifested in displacement and police brutality, including the use of force and intimidation tactics such as kettling. In response to the public relations fallout that ensued, the City changed course in October 2021, issuing Suspension Notices to encampment leaders that barred them from public space and public services. These tactics constitute a form of legally-imposed spatial exclusion (Beckett and Herbet, 2010), subjugating a vulnerated group to additional precarity, uncertainty, displacement, and violence. Forbidding unhoused people from accessing and using public space produces an acutely unequal and exclusionary city. In light of this, questions of differentiated urban citizenship, the meaning of "public" in public space, the processes by which individuals are made illegal, and the narratives and discourses embedded in the aforementioned become acutely pertinent.

This portfolio of work is an exploration of the encampment eviction tactics pursued by the City of Toronto in the summer and fall of 2021 in the context of spatio-legal displacement and exclusion, carceral urban governance, and differentiated and propertied urban citizenship. The first section of the portfolio is an article that identifies the implications that the City's eviction tactics have on questions of urban citizenship and the reconfiguration of spatial governance in Toronto. Utilizing a socio-legal approach and a mixed-methods qualitative research design, the article investigates how and why legal processes of spatial exclusion are mobilized against unhoused people, and how those processes produce differentiated access to urban citizenship and rights.

The second section employs arts-based methods to complicate the City's narratives surrounding the encampment evictions. Using erasure poetry and abecedarian poetry, two municipal press briefings are intentionally reworked to transform their meaning or effect, elucidating the constructedness and instability of narrative. The experimental and site-specific poetic explorations raise questions of erasure, public memory, and the right to narrate (Bhabha, 2014).

The final section is a critical discourse analysis (Fairclough, 1992, 2003, 2010), identifying the dominant narratives about encampment evictions constructed in mainstream media articles and municipal press briefings. The analysis elucidates how discourses of

governance, order, and citizenship are mobilized to justify displacement and minimize state violence, while constructing unhoused people as undeserving non-citizens. In an antiparallel corollary, counter-narratives identified from advocate public statements and internal municipal documents relating to the planning of encampment evictions reveal what is erased by hegemonic narratives.

This work contributes to socio-legal literatures on propertied urban citizenship and permanent displaceability, offering new insights on the arbitrary and informal processes of illegalization that exclude unhoused dwellers from public space in cities of the Global North and the narratives used to justify them.

FOREWORD

This portfolio is the final work submitted to meet the requirements of the Masters of Environmental Studies (MES) program, with a specialization in Planning at York University. It investigates questions of displacement, urban citizenship, urban governance, and legally-imposed spatial exclusion in the context of recent encampment evictions. Three of the objectives outlined in my Plan of Study (PoS) are:

1. To investigate how peripheral urbanization processes and informality as a mode of urbanization challenge dominant political and economic systems in order to identify anticolonial and anti hegemonic urbanization processes.
2. To understand what environmental and spatial justice mean in the context of Global South cities, and for those learnings to inform my understanding of Global North cities.
3. To understand how capitalism and neoliberalism affect environmental and spatial governance in the Global South to inform my understanding of spatial injustice in the Global North.

The three areas of concentration of my PoS are 1) Radical and Insurgent Planning, 2) Peripheral Urbanization and Informality, and 3) Environmental and Spatial Justice and Neoliberal Authoritarianism in the Global South. This portfolio directly engages with all three areas of my Plan of Study. In relation to the first component, this work engages with questions of urban citizenship and counter-hegemonic claims to the city related to informal housing (Miraftab, 2009) and incorporates anti-hegemonic, arts-based research methods. Related to the second component, the work explores changing and negotiated state-society relations and tensions, with an understanding of informality that highlights how il/legality is constructed through discursive and regulatory tools (Roy, 2009). The work explores peripheral urbanization processes that "produce new kinds of citizens…and contestations" and "create highly unequal" cities (Caldeira, 2015, p.4). The encampment evictions and the state's response to them elucidates Bayat's (1997; 2013) quiet encroachment of the ordinary, and how acts of survival in public space become contentious. In terms of the third component, this work explores spatial injustice and displacement (and especially exclusion from public space), and the ways that injustice is reproduced through space (Dikeç, 2009). The portfolio also explores how states produce narratives about spatial and environmental injustices, while censoring others.

Through my coursework, this research project, and my work outside of the academy, my time in the MES Planning has been defined by an anticolonial approach and an interest in agency and its assertion in the making of cities. My specialization in Community and Social Planning has allowed me to expand my commitment to more equitable and democratized planning processes and outcomes. My scholarly interest in this topic began with the first wave of encampment evictions in June 2021 and was reinforced by the issuance of suspension notices to encampment leaders in October 2021. I was curious about what these eviction tactics meant for the governance of public space, and for those excluded from public space. This research is the culmination of the skills and knowledge I obtained over the past two years, and a contribution to literatures on socio-legal literatures on propertied urban citizenship, permanent displaceability, and urban governance.

Thus, this portfolio fulfills the requirements set forth by the Master of Environmental Studies program and meets the membership requirements of the Canadian Institute of Planners and Ontario Professional Planners Institute.

POSITIONING THE RESEARCHER AND LAND ACKNOWLEDGEMENT

As this portfolio is submitted in partial fulfillment of a Planning degree, I recognize the historical and ongoing role of planning in the settler-colonial dispossession of Indigenous peoples from their land, from Turtle Island to Palestine. Planning bodies and planners in industry and academia must instead commit to decolonization and re-indigenization efforts, connecting Indigenous sovereignty struggles in what-is-currently-Canada to those across the world.

I come to this research as a racialized settler, currently living in Toronto (Tkaronto), which is covered by Treaty 13 with the Mississaugas of the Credit, and subject of the Dish With One Spoon Wampum Belt Covenant, a treaty between the Anishinaabe, Mississaugas, and Haudenosaunee peoples that bound them (and subsequent Indigenous nations, settlers, and newcomers) to share and care for this land.

As a settler, I challenge the legitimacy of the state in removing encampments and brutalizing their residents on stolen land. My positionality plays a role in my approach to this research topic. I have been privileged to consistently have secure and stable housing. Growing up between Cairo and Abu Dhabi, my rootedness in Global South knowledges is a result of both my lived experience and academic training. My politics and academic approaches are deeply informed by my ancestries, and the anti-colonial traditions and resistance movements of the Southwest Asia and North Africa region. In the creation of this portfolio, I am thinking about the forms of knowledge we cannot restrict to a bibliography - those that are embodied and intergenerational - and how they have led me to this moment.

Through my work, I actively resist the assumption that researchers are dispassionate, “objective” knowledge producers, or that there is a singular truth that researchers “discover.” Rather, I am open to fluid, changing, co-constructed, and collective subjectivities. I arrive at this research project with both intellectual curiosity and creative interest, intertwining arts-based practices with qualitative methods of inquiry in hopes of offering new insights on topics of displacement and urban citizenship.

DEDICATION

For those subject to the violence and injustice of displacement in this settler-colony, in my hometown, and beyond.

And for K (1997-2019), who taught me the persistence of memory, and that memory is the exit wound of joy (Chang, 2021).

ACKNOWLEDGMENTS

This research project, as a culmination of my time in the Masters of Environmental Studies program, was made possible by the support of countless people. Having begun and completed this program in a pandemic, I learned that in restrictive moments, pockets of connection, community, and possibility were waiting to be found: “a cramped cave can still be a dancefloor” (Sakugawa, 2022).

I feel immensely grateful to my supervisor and advisor, Dr. Luisa Sotomayor, for her unending support, generous knowledge-sharing, and encouraging mentorship during this project and beyond. Dr. Sotomayor models an exceptional and unique form of relationality that I know I am lucky to have experienced. She offers me guidance without imposition, critical reflection without condescension, and a respect for my thoughts and perspectives that empowers me to see them anew. She’s also very funny. If I am to continue on an academic path, I hope to emulate the welcoming and exciting spaces of learning and exchange that Dr. Sotomayor has extended to me.

Many members of the Faculty of Environmental and Urban Change offered me a space to inquire, explore, and grow. Specifically, Dr. Jin Haritaworn introduced me to transformational ways of thinking that I carry with me in everything I do. Dr. Haritaworn taught me to continuously ask more questions, transcend binaries, and resist the myth of arrival.

Thank you to my participants, who generously shared their experiences about a difficult topic, and whose insights shaped this paper.

Although words will always fail, I would like to thank my parents, who instilled in me a curiosity and a love of learning, and who choose to support and love me every step of the way, every day. Eighteen years ago, I crossed the threshold of being an only child, and now my world can only exist with my sweet brother in it. To my grandparents, I embody my sacred lineages with pride, care, and awe. To my wonderful grandpa, who inquires about my thesis every time we speak, I know we’ve met before, and I know we’ll meet again, and again, and again.

The most generative way I learn is through everyday conversations with my friends. I am so humbled to find myself in the company of and in community with such brilliant and magical people, in this program and outside of it. To my friends, my life is infinitely more abundant, vibrant, and joyful because of you. The kind of love we share so freely was unimaginable to me at some point, making it as life-affirming as it is liberating. Thank you, and all my love, always.

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Introduction

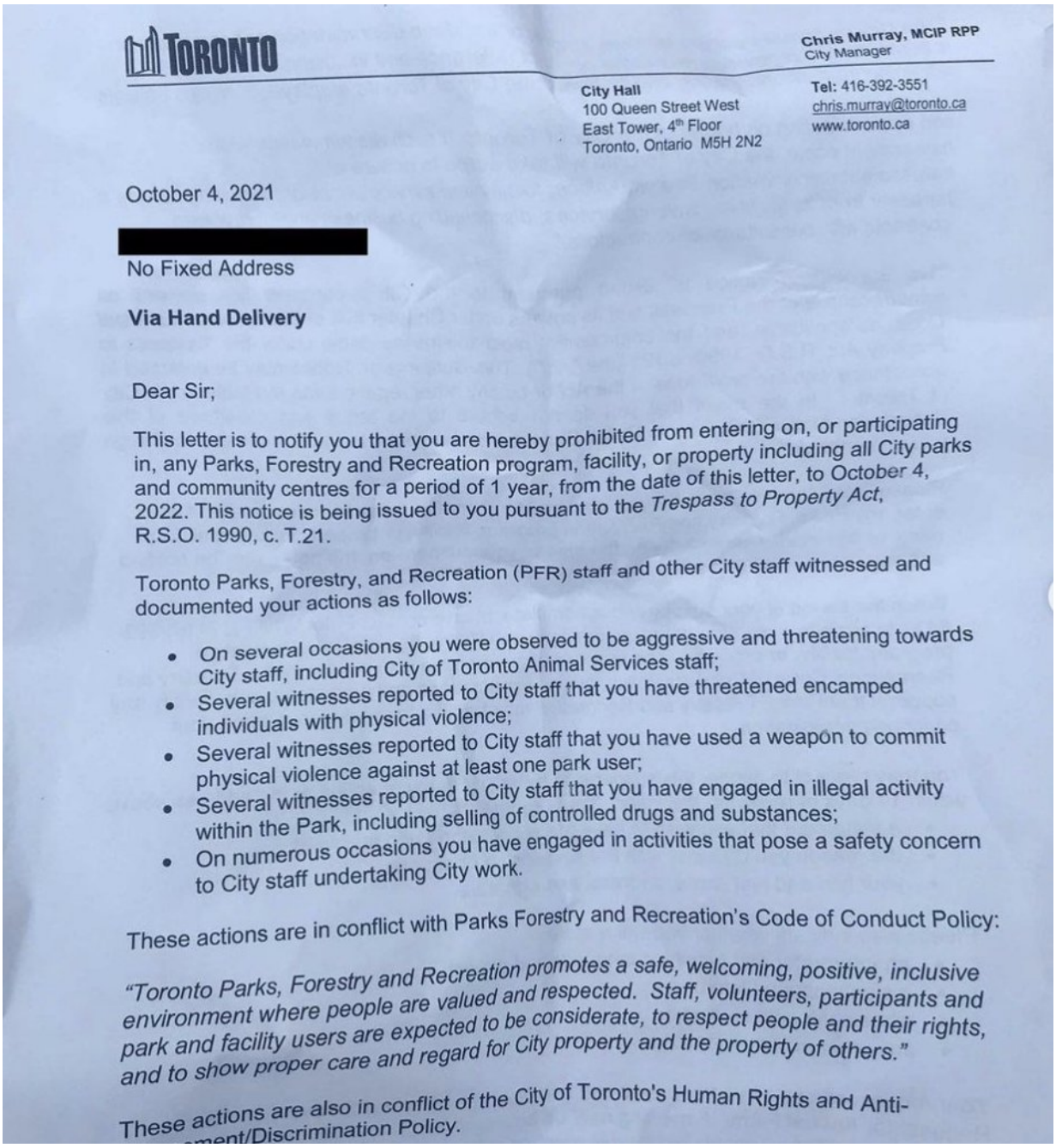
> This letter is to notify you that you are hereby prohibited from entering on, or participating in, any Parks and Recreation program, facility, or property including all City parks and community centres for a period of 1 year…This notice is being issued to you pursuant to the Trespass to Property Act, R.S.O. 1990, c. T.21 (City Manager's Office, 2021a, p.1).

This excerpt is the beginning of a Suspension Notice issued to two racialized encampment leaders on October 4, 2021, by the Toronto City Manager's Office (See Figure 1 and Appendix A). Amidst the COVID-19 pandemic and a housing affordability crisis, the number and visibility of tents in downtown Toronto parks increased as a shelter system in collapse left many vulnerated residents with no alternatives.

Prior to the issuance of these suspension notices, but in the same context of pronounced and multi-faceted precarity, Toronto police executed violent raids where they forcefully removed and brutalized encampment residents and their supporters in Trinity Bellwoods Park, Alexandra Park, and Lamport Stadium in June and July 2021. Images and witness reports from the evictions made headlines worldwide (Azeezah & Withers, 2021). They depicted police brutality and intimidation tactics, including kettling and the use of force against encampment residents and supporters, resulting in broken bones and other serious injuries (Moon & Mak, 2021). In response to the public relations fallout that ensued, the municipal administration changed course in October 2021, and issued Suspension Notices to perceived encampment leaders that barred them from public space and public services.

The issuance of suspension notices to encampment leaders and the execution of militarized evictions at three downtown parks in the summer and fall of 2021 raise questions on why these tactics were used, when they were mobilized, and what these governance decisions reveal about the relationships that urban citizenship is built on. By relying on the Trespass to Property Act (1990) as the legal basis of the Suspension Notice, in this article I argue that the City of Toronto positions itself as a property owner, rather than acting as a public body. This is imbued with the logics of propertied citizenship, with the City responding to property owners'

concerns surrounding aesthetics and property values. The City strategically mobilizes law to protect property owners' interests, which align with its own. This positioning is enmeshed in the carceral logics that criminalize, congregate, institutionalize and banish social groups deemed aberrant, which includes determinations on who is allowed to use public space and how (Beckett and Herbert, 2010).



TORONTO

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Tel: 416-392-3551
chris.murray@toronto.ca
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October 4, 2021

[redacted]
No Fixed Address

Via Hand Delivery

Dear Sir;

This letter is to notify you that you are hereby prohibited from entering on, or participating in, any Parks, Forestry and Recreation program, facility, or property including all City parks and community centres for a period of 1 year, from the date of this letter, to October 4, 2022. This notice is being issued to you pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T.21.

Toronto Parks, Forestry, and Recreation (PFR) staff and other City staff witnessed and documented your actions as follows:

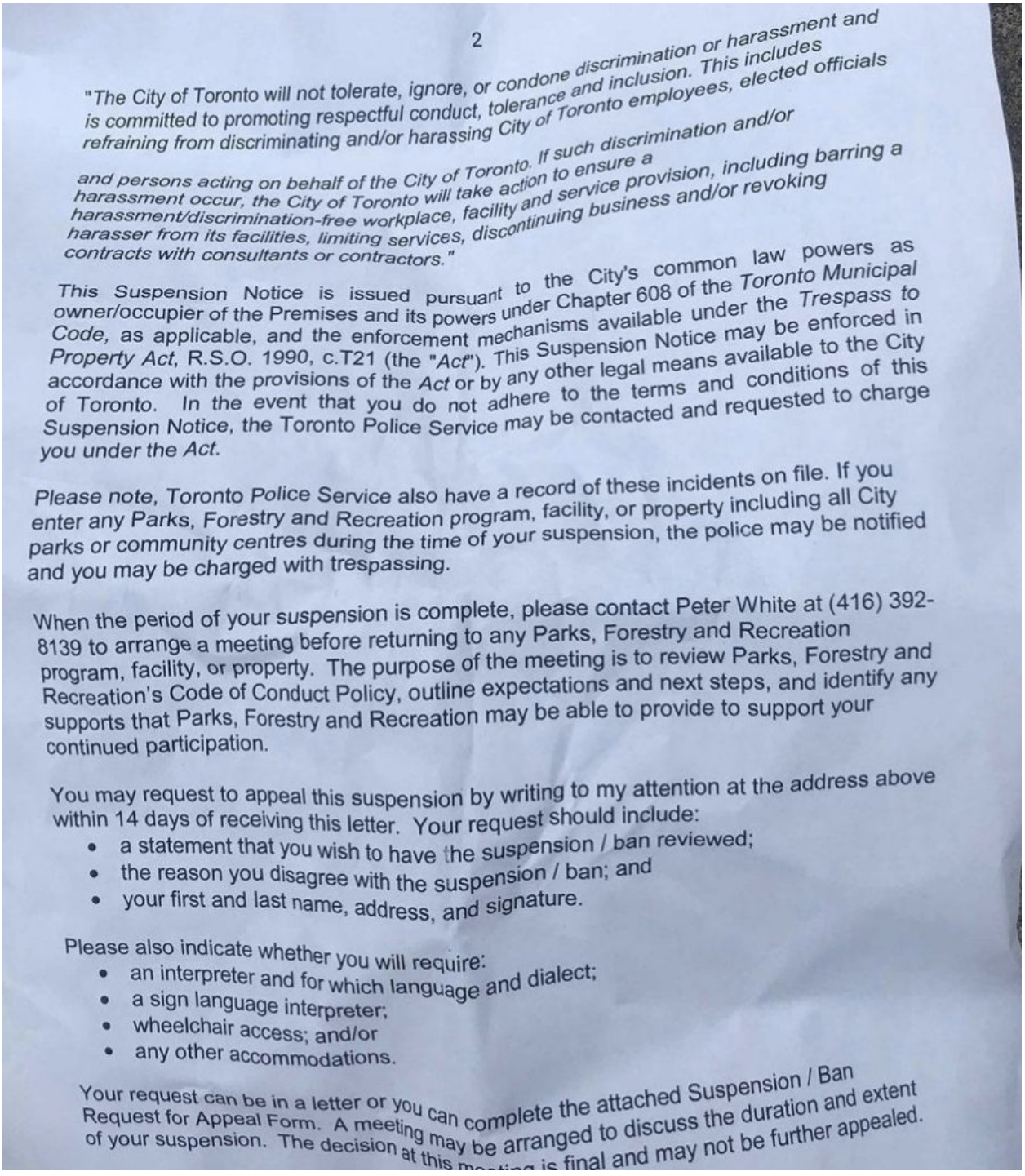
- On several occasions you were observed to be aggressive and threatening towards City staff, including City of Toronto Animal Services staff;
- Several witnesses reported to City staff that you have threatened encamped individuals with physical violence;
- Several witnesses reported to City staff that you have used a weapon to commit physical violence against at least one park user;
- Several witnesses reported to City staff that you have engaged in illegal activity within the Park, including selling of controlled drugs and substances;
- On numerous occasions you have engaged in activities that pose a safety concern to City staff undertaking City work.

These actions are in conflict with Parks Forestry and Recreation's Code of Conduct Policy:

"Toronto Parks, Forestry and Recreation promotes a safe, welcoming, positive, inclusive environment where people are valued and respected. Staff, volunteers, participants and park and facility users are expected to be considerate, to respect people and their rights, and to show proper care and regard for City property and the property of others."

These actions are also in conflict of the City of Toronto's Human Rights and Anti-[illegible]ment/Discrimination Policy.

Figure 1. First page of the suspension notice issued to an encampment leader in October 2021. (Source: McNally, 2021)



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"The City of Toronto will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and inclusion. This includes refraining from discriminating and/or harassing City of Toronto employees, elected officials and persons acting on behalf of the City of Toronto. If such discrimination and/or harassment occur, the City of Toronto will take action to ensure a harassment/discrimination-free workplace, facility and service provision, including barring a harasser from its facilities, limiting services, discontinuing business and/or revoking contracts with consultants or contractors."

This Suspension Notice is issued pursuant to the City's common law powers as owner/occupier of the Premises and its powers under Chapter 608 of the *Toronto Municipal Code*, as applicable, and the enforcement mechanisms available under the *Trespass to Property Act*, R.S.O. 1990, c.T21 (the "*Act*"). This Suspension Notice may be enforced in accordance with the provisions of the *Act* or by any other legal means available to the City of Toronto. In the event that you do not adhere to the terms and conditions of this Suspension Notice, the Toronto Police Service may be contacted and requested to charge you under the *Act*.

Please note, Toronto Police Service also have a record of these incidents on file. If you enter any Parks, Forestry and Recreation program, facility, or property including all City parks or community centres during the time of your suspension, the police may be notified and you may be charged with trespassing.

When the period of your suspension is complete, please contact Peter White at (416) 392-8139 to arrange a meeting before returning to any Parks, Forestry and Recreation program, facility, or property. The purpose of the meeting is to review Parks, Forestry and Recreation's Code of Conduct Policy, outline expectations and next steps, and identify any supports that Parks, Forestry and Recreation may be able to provide to support your continued participation.

You may request to appeal this suspension by writing to my attention at the address above within 14 days of receiving this letter. Your request should include:

- a statement that you wish to have the suspension / ban reviewed;
- the reason you disagree with the suspension / ban; and
- your first and last name, address, and signature.

Please also indicate whether you will require:

- an interpreter and for which language and dialect;
- a sign language interpreter;
- wheelchair access; and/or
- any other accommodations.

Your request can be in a letter or you can complete the attached Suspension / Ban Request for Appeal Form. A meeting may be arranged to discuss the duration and extent of your suspension. The decision at this meeting is final and may not be further appealed.

Figure 2. Second page of the suspension notice issued to an encampment leader in October 2021. (Source: McNally, 2021)

Legal Displaceability: Diversity Discourses and Neoliberal Governance in Toronto

Notions of diversity, multiculturalism, and inclusion are central to how the City of Toronto publicly brands itself. The first chapter of the Toronto Official Plan begins with declarations that Toronto offers a "diversity and richness of urban life…that attracts people from every corner of the world" (2021b, p.1). Looking forward, the plan states "our future must also be diverse, inclusive, and equitable" (2021b, p.3). While the City claims multiculturalism, diversity, and inclusion as guiding values, this paper demonstrates how in the Suspension Notice, the City deploys equity policies against vulnerated people - the very people equity policies are supposed to protect.

Ongoing Housing Affordability Crises and State Violence Against Marginalized Groups

The City's pursuit of increasingly violent legal tactics of eviction and exclusion is concurrent with its continued failure to provide permanent, safe, and adequate housing for all. Housing justice advocates and frontline workers regularly report the lack of available spaces in shelters.[1] In July of 2022, room-based shelter services, bed-based shelter programs, and allied services are at occupancy rates of 99.8%, 97.9%, and 99.3% respectively.[2] Earlier this year, the shelter system effectively collapsed under increasing demand, COVID-19 outbreaks, and staffing shortages (Shelter & Housing Justice Network, 2022). These shortages are symptoms of a larger housing affordability crisis. Toronto is the 6th most expensive city in the world, and housing prices grow four times faster than income growth (Fung et al, 2020, p.2).

Just as housing affordability is an ongoing crisis, so are the overarching systems of oppression and domination against marginalized social groups. The violence exhibited during the evictions did not occur in isolation; I argue that this violence is instrumental in ongoing systems of oppression and legally-imposed spatial exclusion against unhoused people, BIPOC, "undocumented" people, and other marginalized groups. Specific instances of police violence against unhoused and poor people in Toronto include the Queen's Park Riots (2000) as well as state action against squeegee kids, such as the enactment of the *Safe Streets Act* (1999). These particular occurrences of police violence are emblematic of a city that governs space in the

[1] See Encampment Support Network public statements on shelter space shortages over the pandemic.
[2] See the City's daily shelter occupancy and capacity.

interests of property and propertied citizens, forbidding unhoused people to access and use public space and producing an acutely unequal and exclusionary city.

Socio-legal scholars understand state violence against unhoused people as a feature of neoliberal and carceral spatial governance, deriving from exclusionary understandings of citizenship as entangled within property relations (Roy, 2003; Roy et al, 2022). These understandings of propertied citizenship emerge from colonial and capitalist logics, and dispossess the property-insecure of social and political autonomy (Przybylinski, 2021 p.1). In this context, unhoused people, including residents of encampments, are subject to exceptional, arbitrary, and informal legal processes of displacement that create a condition of permanent displaceability (Roy, 2009b; Cacho, 2012; Graziani et al, 2021). The subjection of encampments and encampment residents to processes of illegalization by the state exemplifies this circumstance of permanent displaceability. Displaceability invokes types of coloniality that reshape urban citizenship and regimes (Yiftachel, 2020, p. 155). As a mode of informality in the global northeast (Evans, 2021), encampments are one representation of larger spatial state-society relations, where spatial power and governance are negotiable and dynamic (Hillbrandt, 2019).

Displacement and Displaceability: Global Trends

These broader trends towards displaceability are evident in policy mobility (McCann, 2011; Cochrane & Ward, 2012), as the City cited the eviction tactics used in Philadelphia and San Francisco in a Facilitator Discussion & Proposed Encampment Resolution Pilot presentation[3] in January 2021 (City of Toronto, 2021a, p. 6). The City explicitly notes that the encampment resolution "pilot" (read: eviction strategy) it was proposing would appear "innovative and novel" as it would signal that the policy builds on "lessons learned from other jurisdictions" (City of Toronto, 2021a, p.9). Encampment Support Network (ESN) also indicated these networks of tactic-exchange in a reflection on the evictions, linking the fencing strategy used by city workers at Trinity Bellwoods to a tactic used in Los Angeles during the Echo Park Lake encampment eviction a few months earlier (Encampment Support Network Parkdale, 2022). The proliferation of these illegalization tactics across cities in the Global North invites further research and examination into what they mean for urban governance and citizenship.

[3] See the Facilitator Discussion & Proposed Encampment Resolution Pilot slide deck here.

Differentiated Urban Citizenships, "Public" Space, and Processes of Illegalization

In light of the above, the questions of differentiated urban citizenship, the meanings of the "public" in public space, and the processes by which individuals are made illegal are acutely pertinent. This article investigates the following questions: What implications do the recent state-sanctioned encampment evictions and suspension notices have on questions of urban citizenship and the reconfiguration of spatial governance in Toronto? How, and why are legal processes of spatial exclusion mobilized against unhoused denizens? How do these legal tactics produce differentiated access to urban citizenship and rights?

This paper argues that in a moment of neoliberal crisis, augmented by the housing affordability and pandemic crises, Toronto's municipal administration utilized arbitrary and exceptional enforcement tools to reassert its legitimacy, continuing its subjugation of unhoused denizens to a condition of permanent displaceability. These strategic mobilizations of law are embedded in property relations and propertied citizenship, producing forms of exclusionary and colonial urban governance that create differentiated citizenships. In a supposedly inclusive city, the municipal administration mobilized all the tools at its disposal - including equity policies - to evict encampment residents and bar them from public space. A veneer of legality was constructed to conceal state violence with the appearance of law and legitimacy. The City resorted to such extreme tactics because the formation of visibilized encampments in public parks was extra-capital, defying property relations and delegitimizing the state's capitalist and settler-colonial foundations. Despite this, moments of possibility can be discerned from these extra-capital living formations and community mobilization against state violence, and these moments may have far-reaching implications for housing justice advocacy, and left organizing.

Organization of Paper

This paper first establishes the theoretical framework, situating the discussion in socio-legal literatures on processes of illegalization and urban governance, urban citizenship, informality, and southern urbanism. The literature review is followed by a presentation of the research context, identifying the policy basis of the suspension notices issued in Toronto, providing an overview of the geography and specificity of the encampments that were targeted in the summer of 2021, and situating the evictions within a history of state violence. The findings of this research are discussed in the next section, examining propertied citizenship, urban rights and

agency, processes of illegalization, and carceral housing logics. Section 1 is an analysis of the precedential use and legality of the suspension notice. Section 2 examines the ways the City imposes a vision of propertied citizenship, rooted in the logics of capitalism and settler-colonialism. Section 3 argues that encampment residents were subject to arbitrary, changing, and exceptional legal processes of exclusion. Such processes raise questions about urban rights and differentiated citizenships. Section 4 discusses the City's carceral propensity to institutionalize and congregate those it deems deviant, and how that tendency reflects on questions of agency and differentiated citizenship. Section 5 identifies how the state places unhoused people in a state of permanent displaceability that transcends specific instances of displacement and is instead indicative of broader patterns of violence. The research findings conclude with a look to the future in Section 6, reflecting on moments of possibility and what the encampment evictions may mean for left organizing and housing justice. The final section offers a discussion and conclusion, highlighting key findings and situating the analysis in the broader context of the processes of illegalization of unhoused dwellers from public space in cities of the Global North.

Theoretical Framework: Informality, Urban Citizenship, Processes of (Il)legalization

This article is informed by the following concepts and theories: processes of illegalization and urban governance, urban citizenship, informality, and southern urbanism.

Processes of Illegalization and Urban Governance

The relationship between law, informality, governance, and the state is imperative to this paper. Informality is embedded in the dynamic and arbitrary relationship "between what is legal and illegal, legitimate and illegitimate, authorized and unauthorized," and this relationship "is the site of considerable state power and violence" (Roy, 2009b, p. 80). Informality is inherently tied to the state's ambiguous regulatory practices (Roy, 2009b), with differential state responses to informality, ranging from tolerance to annihilation, deepening existing inequities (Roy & Alsayyad, 2004, p.5). Particularly relevant to the study of encampment evictions is the way the state directs its attention (and violence) to sites of housing informality rather than addressing the structural forces of capitalism, colonialism, racism, and poverty (Roy, 2005, p.151).

Sociolegal literature on the role of law in the governance of urban space illuminates how the state mobilizes law and legal language to make encampments (and more importantly, their residents) illegal. Nuisance law is ambiguous, arbitrary, contains states of exception, and shapes il/legality in public space (Valverde, 2011). What constitutes a nuisance is inherently "indeterminate" (Valverde, 2011, p.296) because nuisances are produced in a specific "social, aesthetic, and geographic context" (Valverde, 2011, p.294). Nuisance law is aesthetic, tied to "dominant perceptions of acceptable conduct and visual appearance" (Ghertner, 2008, p.2). Aesthetic norms enable the state and elites to criminalize, punish, and banish marginalized populations that are deemed aberrant (Ghertner, 2008, p.2). Once their lives are excluded from the "normal range of citizen conduct," their ability to access legal processes is precarious (Ghertner, 2008, p.13).

Since the *quiet enjoyment of property* is a central component of nuisance law, law is thus a "privilege that flows from one's links to property" and protects properties rather than persons (Valverde, 2011, p. 295). Because it shapes property relations, public nuisance law is space-making and race-making (Graziani et al, 2021). It is "deliberately arbitrary," "defies its own limits and categories" and becomes "lawless" (Graziani et al, 2021, p.1, 3). Some iterations of nuisance laws illegalize people, as they fail to distinguish between "objectionable buildings and objectionable types of people" (Valverde, 2011, p. 297).

Banishment techniques are contemporary social control strategies that "spatially exclude the unwanted over time…from contested urban spaces…and rest on an innovative blend of civil, criminal, and administrative law" (Beckett and Herbert, 2010, p.3). Banishment is "an expulsion from the body politic" and an "expansionary" spatial logic which bars targeted persons from accessing many places in the city (Beckett and Herbert, 2010, p.6). Dispossession of space, place, personal belongings, community, and eventually personhood is a key feature of banishment (Roy et al, 2022, p.9). It is carceral, a "characteristic of imprisonment" (Beckett and Herbert, 2010, p.34).

Blomley (2003) highlights the foundational relationship between law, violence, and property. While liberalism positions violence as outside of the law, with state regulation preventing violence in a "civilized" way, violence "plays an integral role in the legitimation, foundation, and operation of a regime of private property" (Blomley, 2003, p.121). Violence is integral to the construction of a "constitutive outside" of law, which is both "radically set apart

and deeply embedded within law" (Blomley, 2003, p.124). Similarly, property (secure, orderly, state-guaranteed property rights) is constituted through a distinction from nonproperty (disorderly informal or communal claims to land) (Blomley, 2003, p. 124). Just as states rely on the monopolization of organized violence in their establishment (Elias, 1998), the establishment of colonial property regimes relies on the mobilization of violence (Blomley, 2003, p.126). Property can be enforced in physically violent ways because "property is fundamentally concerned with legally defined and policed relations between individuals," entailing the "legitimate act of expulsion, devolved to the state" (Blomley, 2003, p. 130).

While unhoused people are subject to arbitrary and exceptional legal processes, legalizing or authorizing encampments is not a neutral policy decision. Despite the City of Portland permitting the Hazelnut Grove encampment to remain, housed neighbours thought the land the encampment was on should be used for more "public" reasons (Przybylinski, 2021, p.2). The governance of encampments is thus not only a question of who has the legal rights to property, but more so "about who property is assumed to be for…and how property ought to be used" (Przybylinski, 2021, p.2). Similarly, in Seattle, where some encampments were authorized by the municipal administration, this authorization became a new form of poverty management (Herring, 2015, p. 299 as cited in Sparks, 2017, p.90). The legal recognition increased acceptance and decreased the immediate threat of displaceability for residents, but also normalized the existence of encampments (Herring, 2014). Thus, sanctioning encampment residents simultaneously offers unhoused people some autonomy and decreased precarity while reinstituting a new form of containment and social control (Herring, 2014, p.306, as cited in Sparks, 2017, p.90).

The above is relevant to my analysis of the Suspension Notices and what they mean for urban governance and citizenship.

Propertied Urban Citizenship and the Edges of Exclusion

The exclusion of encampment residents from public space is especially problematic because of their fundamental right to participate in urban life, to shape and be shaped by the city: to exercise their right to the city. Beginning in 1968 with Henri Lefebvre, the *right to the city* became a variegated concept. Right to the city discourses emphasize agency and an anti-capitalist, imaginative belief that a new kind of city is possible (Harvey, 2019, p.5). The notion

of the right to the city is interrelated with the right to housing (Rolnik, 2014). Faranak Miraftab has written extensively about urban citizenship and its relationship to insurgent planning (Miraftab, 2006, 2009, 2017a, 2017b, 2020). Insurgent urban citizenship is claimed and exercised in both invented and invited spaces, and the state criminalizes the former (Miraftab, 2009, 2017a). However, the two spaces of action are nonbinary, relational, and co-constituted (Miraftab, 2020, p.433).

In the context of housing, shifts in how the urban poor are "represented, governed, and judged" destabilize the citizenship of the urban poor (Bhan, 2009, p.131, 135). Denying the rights of the poor in the name of public interest is a stark indicator of who is considered a rightful citizen (Bhan, 2009, p.131). This exclusionary citizenship has been coined "propertied citizenship" by Roy (2003), and refers to social groups marginalized from "discourses and practices of citizenship" because they fail to meet propertied expectations (Roy, 2003, p.464). Excluded groups such as houseless people do not exist outside of property, like Baron (2004) posits, because "to occupy, traverse, use, and dwell in social space is to confront property" (Blomley, 2020, p.40). Instead, houseless people navigate precarious and unequal relations to property, where one party has the exclusive power to change the relations, and houseless people lack protection from such changes (Blomley, 2020, p. 40). This relation to both public and private property is acutely vulnerable (Blomley, 2020, p. 40). Despite the legal distinctions between property ownership and citizenship in western settler-colonies, the values shaping both are "stabilized" and interconnected (Przybylinski, 2021 P. 8), and the property-insecure are dispossessed of social and political autonomy (Przybylinski, 2021 p.1).

Property relations in Canada are based in the liberal, political, economic, and social logics which underlie and are entrenched by settler-colonialism and whiteness (Wideman, 2021, p. 47). Private property was established in conjunction with the dispossession of Indigenous peoples, "whose lands were framed as waste, ready to be settled, cultivated, and made productive (Bhandar, 2018, as cited in Wideman, 2021, p.47). Propertied citizenship is rooted in whiteness, which arises from the governance of property and its interests in relation to those who do not have property. Those who do not have property are thus assumed to have no interests and are "imagined to harbor a potentially criminal disregard or propertied order" (Singh, 2014, p.1091).

Encampments can transcend the limitations of propertied citizenship by creating "habitable and emancipatory spaces," like Seattle's Tent City 3 (Sparks, 2017, p. 88), where

deviance is rewritten as "negotiable difference" (Sparks, 2017, p. 86). Informal, self-governing, negotiated spaces can constitute exercises of agency and experimentation, reproducing ideas of "self and community in an ongoing dialectic" (Sparks, 2017, p. 100). These spaces exemplify Bayat's quiet encroachment of the ordinary (1997).

Discussions on urban citizenship are particularly relevant to my understanding of how the state relates to residents in differentiated ways. The state's approach to encampment residents and the issuance of suspension notices implies differentiated and exclusionary understandings of citizenship.

Urban Informality and Southern Urbanisms

The concept of informality as a mode of urbanization is particularly relevant to this project. Informality situates encampments as part of larger spatial state-society relationships, emphasizing the arbitrariness of regulatory and legal processes and the negotiability of spatial power (Hillbrandt, 2019). The encampment evictions are a result of state failures to provide adequate and safe housing for all, and their existence also produces the state as it responds and adopts new forms of governance.

Because the complexities of state-society relations this article explores are common in Global South cities, this invites a reading of the north from the south (Parnell & Robinson, 2012). Southern urbanisms are a recalibration, centering theory in the anticolonial and postcolonial movements of the Global South and speaking back to hegemony. These "new geographies of theory" are necessary, responding to "specific historical conjuncture[s]" of political, economic, and social arrangements (Roy, 2014, p.15) and disrupting the "neo-Orientalist tendencies" of conventional urban theory (Roy, 2009a, p. 820). This endeavor opens "opportunities to think through elsewhere" (Robinson, 2011, p.5).

Complicating the idea of whom space and resources belong to, the right to the city and access to urban citizenship is at stake in urban informality (Roy, 2005, p. 156). Informality produces space as an "organizing logic [and] a system of norms" (Roy and AlSayyad, 2004, as cited in Roy, 2005, p. 148). The state itself "operates in informalized ways" (Roy, 2009a, p. 826). The state utilizes informality to consolidate authority (Roy, 2009b, p. 81) and uses "extra-legal, social, and discursive regulation" (Roy, 2009a, p. 826) to construct informality. State power is established in its discretionary and exclusive power to suspend order, constructing and

reconstructing “categories of legitimacy and illegitimacy,” (Roy, 2005, p.149). Bhan (2009) writes about the discretionary power the judiciary has in determining what is in/formal and il/legitimate. Judicial decisions craft narratives about the urban poor that justify evictions of informal settlements (Bhan, 2009). Informality is thus “produced by the state itself” and produces the state (Roy, 2005, p. 149).

Harris (2018) proposes a continuum of informality (p. 277), arguing that the role of informality in Global North cities has been overlooked. Studies of informality in the Global North include Gurran et al’s (2020) analysis of informal housing in Sydney and Evans’ (2021) analysis of encampments in Toronto. Evans (2021) argues that encampments are a “persistent mode of urban informality in the global northwest” (p.ii), allowed less access to permanence and stability by the state compared to informal housing settlements in the global southeast (Evans, 2021, p. 6). By positioning encampments as a form of urban informality, southern urbanisms offer a larger variety of theoretical approaches that go beyond critiques of neoliberalism (Parnell and Robinson, 2012, p. 596). This is particularly relevant in the case of the evictions, as the illegalization of unhoused people implies that there are processes at work beyond neoliberalism and the privatization of public space.

Informality is embedded into policing. The state, as “the sovereign keeper of the law, is able to place itself outside of the law” (Roy, 2009b, p. 81), and police have “constantly extended the boundaries of ‘legal’ behavior to the point where the law itself has been transformed” (Neocelous, 2000, p. 98).

An urban informality approach informs my understanding of how the state holds the exclusive discretionary power to construct in/formality and il/legality. Southern urbanisms and informality also complicate notions surrounding who space belongs to, and how the right to the city may be exercised.

Research Context

The Legal Basis of a Disadvised Tool

To better discuss how the suspension notice is a form of legally-imposed spatial exclusion, the legal basis and the precedent of the suspension notice must be established. The (il)legality of the notice will be elaborated upon beginning page 20.

The Suspension, Ban and Trespass Policy at Parks, Forestry, and Recreation (PFR) was approved on February 28, 2000. The original policy, which has since been amended, allowed PFR to ask a person to leave a "program, location or city owned site" when that person is "displaying inappropriate, disruptive, or aggressive behavior that threatens the security/safety of staff, participants, and property" (Crean, 2010, p.3). It allows PFR staff to take three levels of action: suspension, banning, and trespass. Suspension "prohibits an individual from access to a program or facility for a specified period of time…The length of a suspension is at the discretion of Staff, to be no longer than one week" (Crean, 2010, p.3). A ban "involves prohibiting an individual from entering the facility and/or program for a longer period of time…Once the ban is over, the individual must request a meeting with the Full Time Recreation Staff before returning to the facility or program" (Crean, 2010, p.3). This level of prohibition was imposed upon Alykhan and Dredz, two perceived encampment leaders that received suspension notices in October 2021 (Swyers, 2021). The third and most severe action this policy enables is the prohibition of "access by an individual to one or more city-owned facilities for a specified period of time, in accordance with provisions of "Trespass to Property Act" and this requires the involvement of police (Crean, 2010, p.3).

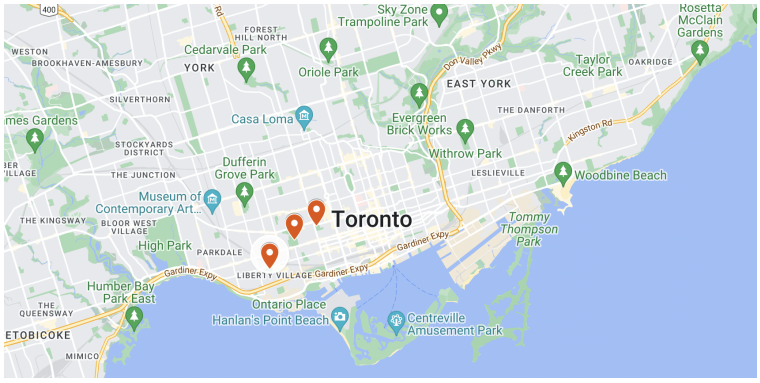
Archival legal research indicated that a suspension notice of this kind has only been used once before in Toronto, in 2005, against someone identified as "Mr.M." Mr. M filed a complaint with the Ombudsman at the time, Fiona Crean, who conducted an investigation and published a report on March 5, 2010 (Crean, 2010). Ombudsman Toronto is allegedly an independent and impartial Officer of Council, accountable to City Council and operating at arm's length from the City. Its legal mandate, which is "to investigate any decision or recommendation made, or any act done or not done, in administration of the City, its agencies, boards and commissions" is laid out in sections 170-176 of the City of Toronto Act (2006) and Chapter 3 of the Toronto Municipal Code (Ombudsman Toronto, 2021).

Crean found that while PFR has a responsibility to ensure the safety of staff and users and was justified in taking action against Mr. M, the ban against Mr. M did not comply with procedural fairness (2010, p. 13). Crean directly critiqued the broadness of the ban that Mr. M was subject to, which banned him from all PFR sites and programs, just as the one issued to Alykhan and Dredz does. Because this is a far-reaching and serious legal tool, Crean recommended the City only use it if it is "accurately ascertained, monitored, and evaluated

(2010, p. 15). The decision to ban an individual must involve proper documentation and storage of such documentation. A detailed analysis of the Ombudsman's findings begins on page 20.

Situating the Evictions: Pandemic Encampments and Local Particularities

The nuances between the three encampments that are included in this analysis are important to consider. Each encampment discussed in this analysis (and those that are not), represent a specific history and location, with unique relationships and social dynamics within the encampment, with the neighbourhood, and with the City. This highlights another dimension of vulnerability, raising the question of which encampments were more susceptible to state violence, and why. Encampments have a long history in Toronto. While the details are not relevant to the discussion, it is worth noting that encampments have existed in Toronto in more interstitial spaces such as the Don Valley, Rosedale Ravine, Port Lands, and under the Gardiner for decades. In fact, there is evidence of encampments existing in the 1830s onwards (Bonell, 2008, p.2). The pandemic has only visibilized encampments as they formed in more central and visible locations (Martin, 2021) to access services more easily and remain in community.



Map 1: Location of Lamport Stadium, Trinity Bellwoods, and Alexandra Park (in order from east to west)

This analysis involves the eviction of encampment residents at Trinity Bellwoods, Alexandra Park, and Lamport Stadium on June 22, July 20, and July 21, 2021, respectively (See Map 1). Trinity Bellwoods Park is a large urban park, encompassing 14.6 hectares and located at 790 Queen Street West. Bound by Queen Street to the south, Dundas Street to the north, Gore Vale Avenue to the east, and Shaw Street to the west, the park serves a wide variety of residents with its amenities, but holds symbolic meaning as a park often frequented by young wealthy

people. Located in the higher-income Trinity Bellwoods neighbourhood, there is a plethora of social services organizations in the area. 23 people were evicted from Trinity Bellwoods (City of Toronto, 2021c). Alexandra Park is situated on the intersection of Bathurst Street and Dundas Street West, within the Alexandra Park neighbourhood, a working-class neighbourhood where the majority of residents are racialized. Located at 257 Bathurst St, Alexandra Park is a smaller park at 2.7 hectares. Alexandra Park neighbourhood is home to Atkinson Housing Co-Op that is currently undergoing "revitalization," as well as Scadding Court Community Centre. 26 people were evicted from Alexandra Park (City of Toronto, 2021d). The Lamport Stadium encampment was located in the shadow of Lamport Stadium, a multi-purpose stadium in the Liberty Village neighbourhood at the intersection of King Street West and Joe Shuster Way. It is much less of a public space than Alexandra Park and Trinity Bellwoods, often used for neighbourhood intramurals and community sports. Around 14-17 people were evicted from Lamport (City of Toronto, 2021d). All three parks are situated on the stolen land of many First Nations, including the Mississaugas of the Credit, the Anishnaabeg, the Chippewa, the Haudenosaunee and the Wendat peoples, subject to the Dish With One Spoon Wampum Belt Covenant, and covered by Treaty 13 with the Mississaugas of the Credit.

ESN organized eviction responses to each encampment according to encampment residents' wishes, hence producing varying approaches. For example, during the Alexandra Park eviction, ESN offered to protect the encampment, but most encampment residents chose not to make a stand, preferring instead to acquire help in packing their belongings and hoping to leave the park safely (ESN 2, personal communication, April 3, 2022; ESN 4, personal communication, May 10, 2022). Nine people were arrested at Alexandra Park (Gibson & Xavier-Carte, 2021). At Lamport Stadium, most residents wanted to stay in their homes, so ESN supported their attempts to do so (ESN 2, personal communication, April 3, 2022). Twenty-six were arrested (Ritchie, 2021), and riot-gear clad police used pepper spray against advocates, with injuries including police grabbing, pushing, and throwing individuals, and striking advocates in the face with a steel baton (Dimatteo, 2021b). The City also changed its tactics throughout the summer. Beyond operational plans that have been released through Freedom of Information requests,[4] witness reports expressed notable differences. For example, there was a heavy police presence and fencing at Trinity Bellwoods, but the violence at Lamport included bottlenecking

[4] For all documents acquired through Freedom of Information requests, see FactCheckToronto.

and corralling as well (ESN 2, personal communication, April 3, 2022). At the Trinity Bellwoods eviction, four people were arrested (Bholla, 2021) and riot police used pepper spray against advocates and encampment residents.

Although the specificity of each encampment is important, all three encampments are discussed collectively in the analysis below because the tactic of evictions is the issue at hand. When necessary, distinctions as to which encampment is referred to will be made.

Ongoing State and Police Violence in Toronto

The police violence stated above is part of a long history of state violence against poor and unhoused people and other marginalized groups in the City. While not all examples noted below relate directly to unhoused individuals, they are indicators of how the state governs and seeks to make homelessness and poverty invisible rather than respond to the structural issues leading to a housing emergency and increasing poverty. They all additionally display the state's capacity for violence, and demonstrate that the history of policing in Toronto is inextricably linked to colonialism, white supremacy, and capitalism.

Youths washing vehicle windshields in busy downtown streets, or "squeegee kids," first appeared in Toronto in the summer of 1995 (Conradi, 2000, p.1). Although they posed minimal risk and mild nuisance to some, the squeegee kids were criminalized by conservative politicians and media networks, and their existence was framed in the context of law, order, and social values. Examples of state action against the squeegee kids includes Toronto Mayor Mel Lastman requesting the Province of Ontario to amend the Highway Traffic Act to criminalize squeegee kids practicing their trade on roadways, and Ontario Premier Mike Harris ordering the Crime Control Commission to "make the regulation of squeegee kids a priority" (Conradi, 2000, p.2). Mike Harris additionally made the "regulation" of squeegee kids a large component of his re-election campaign in 1999 (Conradi, 2000, p. 2). Additional state action included the enactment of the provincial *Safe Streets Act* in 1999, which essentially banned squeegeeing and imposed fines of up to $1000 CAD, or six months in jail (Gatez, 2014).

In June 2000, a peaceful protest against poverty, organized by John Clarke and the *Ontario Coalition Against Poverty* (OCAP) and composed of 1,500 individuals was met with police violence at Queen's Park. There is video evidence of said police violence, including police kicking a protester, stepping on their necks, striking their heads, using batons, and pushing

protestors onto the ground (Abbate, 2003). Amongst other causes, OCAP advocates for safe and permanent housing for all. In June 2010, protesters who mobilized in downtown Toronto to protest against the G20 Summit in the summer of 2010 were met with police violence and arrests. Mobilizing for a variety of causes, including anti-poverty, pro-environment, and anti-globalization, the protests leading up to the summit were peaceful until a small group of protestors set fire to some police cars. The police responded by using tear gas, pepper spray, rubber bullets, and excessive force, in addition to kettling over a thousand people. Kettling is a strategy where individuals are encircled by police. During this incident, the police encircled more than 1000 individuals, including journalists, passerbys, and peaceful protestors, and carried out mass arrests (Lindeman, 2020). Hundreds were kettled in the rain and left out in the cold. Over 1000 people were arrested (Seglins, 2012). Detainees were strip-searched in the makeshift detention center (Lindeman, 2020). Kettling was a tactic used against encampment residents and supporters as well.

In the context of the above, the policing, criminalizing, and invisibilizing homelessness that occurred in summer 2021 is not new. In more detail, the enactment of the *Safe Streets Act* by Ontario Premier Mike Harris in 1999 criminalized homlenesss and visible poverty (Hermer et al, 2020). While *Safe Streets* claims to protect pedestrians and drivers, it is broad, vague, targets unhoused people who are considered to be breaking the law since they are in public space, and can be traced back to vagrancy laws. A 2020 article situated the Safe Streets Act in the context of the pandemic (Hermer et al). While the position of Hermer et al (2020) on the police as an important frontline force in the pandemic is in contention with my views on policing and police abolition, their view on the enforcement of *Safe Streets* is aligned with mine. Hermer et al argue that the police enforcement of the Act will cost some unhoused individuals their lives (2020). If individuals are charged, they are expected to be in court, and in order to avoid policing, unhoused individuals are more likely to seek out “less visible and more risky settings” (Hermer et al, 2020). These are added risks, additional to the existing threat and trauma of having no stable or secure housing. Municipal leadership in Toronto has a history of diminishing the housing crisis and houselessness, even prior to amalgamation. For example, during his time as Mayor of North York, Mel Lastman reportedly denied the existence of homeless people in North York, and argued all unhoused individuals sought services and support in the City of Toronto (Keil, 1998, p.152).

For a more detailed account of selected examples of police violence against unhoused, poor and/or racialized people in Toronto, see Appendix B. The events recounted above and in the appendix are examples of larger mobilizations of police, but implied and actualized state violence against vulnerated people are recurring, materializing in daily occurrences that may not always make headlines. Although an internal investigation wasn't required to prove that structural racism exists - as racialized communities have known and expressed the racism inherent in policing, a report released in June 2022 showed that Black, Indigenous, Asian, Arab, and North African Torontonians are disproportionately subject to police force (Honderich, 2022). There is mounting evidence of systemic racism in policing - a 2018 Ontario Human Rights Commision Report found that Black people are 20 times more likely to be killed by police than white people.[5] These findings are unsurprising because policing models in what-is-currently Canada were built on French and British models, and played a key role in colonization and the criminalization of Black people in the early settler-state (Maynard, 2017).

Methodology

This article emerges from a mixed-method qualitative research design, comprising seven semi-structured interviews and document and archival legal analysis. Of the seven interviews I conducted between March and May 2022, four were with housing justice advocates volunteering with Encampment Support Network (ESN), two were with community lawyers, and one was with a community legal worker (see Appendix C). I reached out to potential interviewees via email or direct message on social media. I had initially hoped to interview other frontline workers, organizers, and outreach workers who work in anti-poverty, harm reduction, and housing, but attempts to reach them were unsuccessful. The contact information of one of the individuals who was served the suspension notice was shared with me, and I reached out to them several times to no avail. I attribute this failure to the competing demands over time and energy that most people are experiencing as we enter the third year of a pandemic. These pressures are likely more acute for those providing frontline support to unhoused people and other marginalized people. Even though some recruitment attempts were unsuccessful, the participants interviewed provided rich and generative insights.

[5] See full report here.

I interviewed one community lawyer and one community legal worker who provide legal services relating to housing and houselessness, and a third community lawyer who provides services to those who have been subject to police violence. A table that anonymizes all interviewees and lists their roles can be seen in Appendix C. Five interviews were conducted in-person, and two were conducted virtually on Zoom. This decision was dependent on participants' preference and comfort level with in-person interactions. Those that were conducted in-person were held in public spaces, mostly downtown parks, including one at Trinity Bellwoods. The interviews were conducted in public spaces to encourage more locationally situated conversations about who has access to public space, and how the encampment evictions reflected on the reconfiguration of governance in public space.

My interview questions for ESN outreach volunteers inquired about what they witnessed at the encampment evictions and in the time leading up to them, and how their experiences with city officials and police reflect on the right to public space and urban citizenship. My goal in interviewing ESN volunteers was to better understand the state's eviction tactics from those who had immediate experiences in the three encampments that this project is focused on. Because all the ESN volunteers I interviewed were present at at least one of the evictions, and all had built deep relationships with some encampment residents, what they witnessed was instrumental to understanding the actuality of what occurred at evictions, as opposed to the narrative the City spun. During my interviews with lawyers and legal workers, in addition to the questions on urban citizenship, public space, and right to the city, I asked for their insights on the legality of the suspension notice, its implications, and whether they had encountered a similar document in their work. I also asked questions about what the City's strategic intentions may have been, serving perceived encampment leaders with this document. Overall, the semi-structured interviews allowed for a focus on lived experiences and state-society relations.

Since I was working on the discourse analysis component of this project while conducting interviews, the narratives I identified from media and municipal documents helped inform the interview questions and conversations. My understanding of the City's paternalistic neoliberal governance strategy, the deliberate ambiguation of responsibility, and the framing of encampment residents as deviant non-citizens were especially useful in preparing for the interviews.

In addition to interviews, I conducted archival legal research to determine whether these suspension notices, or documents like them, have been used in the past in the City of Toronto. I also conducted a document analysis of relevant bylaws, reports, and municipal documents.

Tracing Precedent: An Unlawful and Contentious Tool

> "The ban, which covered all PFR facilities, is far too broad, as there was no evidence to indicate that the alleged safety risk posed by the complainant extended that widely" (Crean, 2010, p.12).

The Suspension Notice that decrees the barring of two encampment leaders from public parks and PFR programming is likely unlawful and unconstitutional. In issuing it, the City disregarded recommendations guiding its use set out by the Ombudsman in a precedential situation.

Legitimate, Fair, and Properly Executed: Ombudsman Recommendations

Archival legal research revealed that a suspension notice of this kind has been used only once before, in 2005, against an individual identified as Mr. M, who had been accessing the facilities at a North York Community centre free of charge from 2003-2005 and was told that his application for a 2006 winter permit to access the facilities was denied due to a policy change. Mr. M left a voice message expressing his dissatisfaction, which PFR staff believed was abusive and threatening. Mr.M first received a notice that he was banned from attending all City parks and recreation facilities for a period of one year due to inappropriate behavior in January 2006. He sought to reinstate his access to the facilities, and PFR maintained that the ban must be indefinite due to "irreparable damage" that Mr. M caused (Crean, 2010, p. 1-2).[6] Mr. M filed a complaint to the Ombudsman on March 6, 2009, expressing that PFR "acted unfairly in banning him from all parks and community recreation facilities…for his inappropriate behaviour, and in continuing to refuse to remove the ban" (Crean, 2010, p.1). Mr. M expressed that he was not provided the opportunity to respond to the allegations and did not receive procedural fairness when the ban was first imposed, or in subsequent decisions. In general, the Ombudsman concluded that the fair course of action would have been to temporarily bar or suspend Mr. M

[6] For the full summary of events, see Crean, 2010, p.1-3.

while a "review with affected staff, completion of incident reports and/or documentation specifying and describing the incident(s) complained of, and the provision of an opportunity for Mr. M to address the allegations" occurred (Crean, 2010, p.12). Then, whether employee safety was actually at risk, the extent of such potential risk, and the "measure appropriate" could have been determined (Crean, 2010, p.12). However, Crean also found that the ban was too broad, and that the policy must be used carefully because of its serious consequences. Specific conclusions from the investigation that are most relevant to this discussion include:

- "The PFR policy *lacks adequate guidance* for staff *on its application* and the actions that may be taken, and a *clear definition of "serious incidents" justifying* the issuing of a trespass notice" (Crean, 2010, p.12, emphasis by author).
- "Mr. M should have been *told about the allegations* against him and been *given a chance to address them* before the decision was made to impose an indefinite ban" (Crean, 2010, p.8, emphasis by author).
- "I am concerned with the *extent of the ban i*n that it applies not only to the facilities where staff were affected, but to all PFR facilities. There is no evidence that the complainant posed a safety risk to staff in all PFR facilities. There was no documentation to such an effect, neither was there any rationale provided." (Crean, 2010, p. 6-7, emphasis by author).
- "*Public property is of a special nature* and is different from private property. Because of the *relationship between the government and its citizenry*, public property is owned and administered for a *resident's benefit and use*. The City may of course limit access to public property under the Trespass to Property Act, but *such action must be legitimate, fair and properly executed*" (Crean, 2010, p. 11, emphasis by author).

As is evident above, the suspension policy is a disadvised tool, not one that can be used without due consideration. The Ombudsman calls for caution in the use of this tool and requires various safeguards to ensure its use is procedurally fair.

In addition, The Ombudsman recommended that PFR amend the policy, where in the case of future suspension notices, PFR staff must document the conduct, ensure the documentation is factual, suspend the individual before issuing a ban, provide the individual an opportunity to respond to the allegations, complete an incident report, consider the extent and seriousness of the threat to safety and consider alternative measures provide a clear rationale for

the decision, determine a finite period of time for the suspension, and indicate a review process (Crean, 2010, p. 14-15). The City did amend the policy,[7] and changes include increasing the series of steps that staff can take, involving a verbal warning, written warning, verbal suspension, written suspension, ban, and trespass. Despite the amendments, the City still breached its duty of procedural fairness in issuing Suspension Notices to Alykhan and Dredz, as the Suspension Notice lacked legitimate administrative appeal, had a large impact as a year-long ban, and provided narrow procedural safeguards (Community Justice Collective [CJC], 2021, p.3).

Unlawful and Unconstitutional

The Community Justice Collective (CJC) is a group of lawyers that work to support movements fighting against displacement, exploitation, racism, and criminalization in the Greater Toronto Area. CJC represented Alykhan and Dredz and cited the Ombudsman report in a letter to City Manager, Chris Murray. CJC urged the City to repeal the ban and discontinue the use of these unconstitutional abuses of power (CJC, 2021). In addition to listing the ways the ban causes harm to the two individuals who received it, including but not limited to social isolation, prohibition from accessing vital services (including sign up lists for permanent housing located in parks), and an inability to continue their advocacy work, CJC details the ways the suspension notice is unlawful and unconstitutional:

- It is a violation of Section 2 of the Charter of Rights and Freedoms, which protects the fundamental freedom of expression, peaceful assembly, and association.
- It is a violation of Section 7 of the Charter of Rights and Freedoms, which protects the rights to life, liberty, and security. CJC references British Columbia courts who have found it a violation of Section 7 to prohibit sleeping in parks. The *Abbotsford v. Shantz*, 2015, decision "precludes municipalities from prohibiting the homeless population from erecting temporary shelters at night in public spaces" (Bruni, 2015).
- CJC wrote that the decision was arbitrary, overly broad, and grossly disproportionate, particularly in the context of winter and the COVID-19 pandemic.
- The suspension notice is discriminatory as is, and in impact, as it criminalizes two racialized community leaders.

[7] See Suspension and Ban Policy, amended January 2011

- It is unlawful, since it is not in accordance with the City's process in s. 608-53, F of the Toronto Municipal Code, where the City must have given 72 hours for compliance with the notice. Instead, the City sent dozens of police officers to "forcefully remove these residents from their homes and restrict them from accessing other City resources and programs, including respite shelters" (p.3).
- These draconian, wide-sweeping actions cannot be justified in a free and democratic society. The prohibition of two people from public space does not correspond with any "pressing and substantial purpose," does not minimally impair residents' Charter rights and freedoms, is disproportionate, and is an imposition of authority with harsh and uncompromising consequences (p.3).

(CJC, 2021)

Personal communication with lawyers and law professors led to a greater understanding of the legal background of the suspension notice. One lawyer said that the suspension notices are a bizarre overreach of the City's power, are grossly unconstitutional, and are unenforceable. Since it is unlikely that the City expected the suspension notice to survive a legal challenge, that raises the question of why the City would issue a notice that it likely knows is unconstitutional, and is issued to individuals who may not have the access and resources to challenge the suspension notice (Lawyer and Academic 1, personal communication, May 11, 2022). Another lawyer and academic expressed concern that the suspension notices may have been directed at encampment residents in their capacity as group representatives. If the notices were meant to curb protest, they may be challenged under section 2(b) of the *Charter of Rights and Freedoms* (Lawyer and Academic 2, personal communication, May 12, 2022). The *Batty v. City of Toronto* (2011) decision, which concerns the Occupy Movement and the freedom of expression, serves as a helpful precedent for such a claim.

Additionally, the City cited anti-discrimination, human rights, and equity policies that protect staff as a rationale for serving the notices, stating that the actions of those served violate the City's human rights and anti-discrimination policy. However, human rights and anti-discrimination are extraneous to the five allegations made in the suspension notice (Community Lawyer 1, personal communication, March 17, 2022).

Overall, the suspension notice issued to Alykhan and Dredz is likely unconstitutional and unlawful, on several accounts, including rights to life, liberty, and security. The notice is not

"based in any charter, or constitutional legality" (Community Lawyer 1, personal communication, March 17, 2022). It is an overreach and abuse of city power, targeting two racialized perceived encampment leaders by relying on a rarely used and arbitrary tool that has disproportionate detrimental impacts. Its use in October 2021 was not in alignment with the Ombudsman's recommendations in the 2010 report, which were made to ensure it is only used in a "legitimate, fair, and properly executed" manner (Crean, 2010, p.11). In light of the above, the City's decision to use this policy as a tool of illegalization is an example of the differentiated access to citizenship that unhoused people experience.

Propertied Citizenship: The Logics of Capitalism and Settler-Colonialism

> I don't think the City of Toronto would be quick to acknowledge the recipient of this [suspension notice], or the encampment residents, as citizens. And even if they do, it's clear that they have a hierarchy of the most prized citizens, the ones whose interests must be protected at all costs, down the hierarchy to the most undesirable citizens, the ones whose interests we must abolish or…eradicate. (Community Lawyer 2, personal communication, April 14, 2022).

One of the primary problems this research explores is what it means that the City positions itself in the framework of private property, rather than acting as a public body. The Suspension Notice is explicit in this positioning, as it states it is "issued pursuant to the City's common law powers as owner/occupier of the Premise" (City Manager's Office, 2022, p.2). It operated within the logics of property by issuing and enforcing trespass notices, and it responded to the concerns of property owners who took issue with encampments forming in their neighbourhoods. The encampment evictions exemplified how the City acts to uphold the interests of homeowners, constituting them as the public, and casting unhoused people as non-citizens who are not deserving of the same rights or legal processes.

Houselessness "exemplifies the relationship between property, personhood, and police that is foundational to liberalism" (After Echo Park Lake Research Collective, 2022, p.76). More specifically, propertied citizenship excludes the shelter claims of unhoused and other vulnerated groups, as it only recognizes "formal rights of property" (Roy, 2003, p.475). In that

framework, houselessness is criminalized under the guise of public interest "to reclaim urban space for legitimate (read: propertied) citizens" (Roy, 2003, p. 475).

Norms surrounding propertied citizenship are central to the establishment of the settler-colonial state, which from its inception denied Indigenous forms of land stewardship, and then excluded Indigenous people from "property ownership and citizenship through the racist provisions of the federal Indian Act" (Dorries, 2017, p.77 as cited in Wideman, 2021, p. 48). As a settler-colonial city, the origin of this jurisdiction is rooted in exclusionary and racist conceptions of property and citizenship. The City of Toronto acted to protect its foundation. One participant remarked that when the cost of the evictions clarified that the evictions were "purely ideological, that [when] the notion of private property on which capitalism rests…is interrogated or upended in any way, then the myth on which this settler-colonialist, capitalist society rests is destabilized" (ESN 1, personal communications, March 31, 2022). The City reacted so drastically and violently to protect the sanctity of private property, the notion the legitimacy of the state rests on. It did so by responding to property owners' complaints and relying on the taxpayer-citizen framework to cast encampment residents as non-constituents and non-citizens.

Responding to Propertied Residents: Nuisance, Aesthetics, and Property Value

The City's eviction tactics responded to property owners who were complaining about the formation of encampments in their neighbourhoods and the perceived effect on aesthetics, property value, and safety. Nuisance complaints are rooted in aesthetic and moral concerns (Valverde, 2011) that are often expressed in relation to encampments or other informal housing arrangements (Roy, 2004; Bhan, 2009; Ghertner, 2008). Echoing the centrality of aesthetics to the City's decision to evict encampment residents, one participant noted that the "gut reaction from the City was that of wealthy property owners" who would express, "this is going to make things look bad" (Community Lawyer 1, personal communication, March 17, 2022). They identified aesthetics as "where this all came from, and where it remains" (Community Lawyer 1, personal communication, March 17, 2022). The aesthetic then affects the "bottom line" and "property value" of housed residents' properties (Community Lawyer 1, personal communication, March 17, 2022). Another participant echoed this sentiment. Discussing a neighborhood meeting where an encampment had begun to form in the neighbourhood park, one participant shared an anecdote of a homeowner explicitly saying, "this is negatively affecting my

property value" (ESN 4, personal communication, May 10, 2022). At the end, "the City ended up ultimately responding to those neighbors, because they're threatening to sue the City" (ESN 4, personal communication, May 10, 2022). It's worth noting that the threat of legal action against the City contributed to its use of law to evict people from parks - the exclusionary nature of law will be discussed later in this paper. Another participant echoed this sentiment, saying wealthy homeowners were "driving the political pressure on the City and the police to remove the encampments, to protect their perceived safety [and] property values" (Community Legal Worker 1, personal communication, April 14, 2022). The aforementioned quotes are illuminated by the notion that nuisance "constructs the offense as one against other people's self-reported well-being" (Valverde, 2011, p. 293-294). Propertied residents of the city do not only feel more entitled to space, the City affirms that entitlement by responding to their calls to discipline people deemed aberrant. Concerns surrounding aesthetics and property values hardly mask what they represent: that encampments are an image "of all that is unwanted" in the city (Bhan, 2009, p. 139-140) and both the city and propertied neighbours do not want them to be seen or visible. The presence of unhoused people in neighbouring parks both reinforces the greater access to citizenship that housed residents enjoy, and violates it, as houselessness is the "constitutive outside" of propertied citizenship (Kawash, 1998, p. 329, as cited in Roy, 2003, p.464).

The notion that the City's tactic of eviction responds to wealthy residents' concerns is illuminated by the entanglement of elite interests in governance. The evictions and the issuance of suspension notices is "emblematic of a municipal government that…has no solutions beyond violence and intimidation…because they don't want to find them" (Community Lawyer 1, personal communication, March 17, 2022). Solutions that work are "costly…and they take a lot of compromise" from wealthy residents who vote "these people [councillors, the mayor] in, so they're not here to find those solutions" (Community Lawyer 1, personal communication, March 17, 2022). The suggestion that the City has no real desire to find solutions that work, because city officials are propped up by wealthy actors in the city, and that their interests are one and the same has already been established. For example, Mayor Tory's donor list for the 2014 election included large names in real estate development, business, law, and lobbying/ government relations (Moloney, 2014).

Put simply, one community lawyer remarked, “I don’t think the city particularly cares about you, unless you’re part of the property-owning class” (Community Lawyer 2, personal communication, April 14, 2022).

The Citizen-Taxpayer and Encampment Residents as Non-Constituents

The category of *taxpayer* and *citizen* have been mutually constitutive, writes Camille Walsh (2018, p.1). Both are undergirded by whiteness and are deployed to reinforce inequality and exclusion. Similar to the word “citizen,” the term “taxpayer” may sound deceivingly simple, but is a loaded, dynamic concept. Because the citizen-taxpayer category functions to exclude the “non-taxpaying other” who is “implicitly less entitled to protections and rights” (Walsh, 2018, p.4), the category is often coded to represent white supremacy, patriarchy, and racial capitalism.

The citizen-taxpayer framework shapes how decision makers “feel like they’re more beholden to city residents that pay higher taxes” - residents who have higher incomes and higher tax rates (ESN 2, personal communication, April 3, 2022). Without a permanent or fixed address, unhoused people are denied the same access to city councillors, the Mayor, or other city officials as housed people. Participants asked, “who counts as a constituent of a city councillor?” (ESN 3, personal communication, April 10, 2022) and “are these…encampment residents not your constituents as well?” (ESN 2, personal communication, April 3, 2022). Referring to an incident in May 2020 where Mayor Tory visited thousands of maskless picnickers at Trinity Bellwoods to understand why the park was so busy (CBC news, 2020), one respondent asked why he never once visited an encampment (ESN 2, personal communication, April 3, 2022), despite demands and invitations to by housing advocates and other organizers in the city. Treating unhoused people and encampment residents as non-constituents is inextricably linked to unhoused people’s relation to property. Porter’s naming of property as the “threshold of recognition” (2014, p. 398) in settler-colonies illuminates the aforementioned. The costs for those excluded from that threshold are high, dispossessing them from access to elected officials and decision makers, and contributing to augmented precarity and displacement.

Encampment Residents as Non-Citizens

Within frameworks of propertied citizenship, municipal tactics subjugate unhoused residents to rightlessness and treat them as less than human non-citizens. A participant remarked

that the City perceived of "the people who occupied the encampments as not citizens, as not fully human people…and treated them as such" (Community Lawyer 2, April 14, 2022). The aforementioned quote aligns with Beckett and Herbert's (2010) findings from interviews with those served banishment orders. Banishment "confirmed their sense that they were no longer considered citizens, even fully human" (Beckett and Herbert, 2010, p. 34). The evictions represented a judgment on what im/proper uses of parks (and public space more generally) are. Embedded in the logics of propertied citizenship is the state power to determine who property is assumed to be for, and how property ought to be used (Przybylinski, 2021, p.2). By making distinctions "about which members of the public can and cannot enjoy the use of [public space]…and for what activities they can use it for" (Community Lawer 2, personal communication, April 14, 2022), encampment residents are represented as "improper political subjects" (Przybylinski, 2021 p. 8) by the municipal administration due to their deviant use of property. The construction of encampment residents as improper political subjects whose use of public space is questioned is inextricably connected to their contested urban citizenship. Encampment residents are construed as non-citizens because of their particular relation to property (lacking a relation to it that is deemed proper), and their use of public property in ways deemed deviant or improper also removes them further from the rights and processes of urban citizenship.

Informality, Arbitrariness and the Legal Exclusion of Unhoused Denizens

> "It seemed like the City was throwing whatever they could at it to kick people out of the park" (ESN 4, personal communication, May 10, 2022).

Encampment residents in Toronto are subject to arbitrary, informal, changing, and exceptional legal processes of exclusion. Such processes raise questions about urban rights and differentiated citizenships, and exclude unhoused people from public space. Informality makes the power of the state, as the state chooses when to suspend order and constructs "categories of legitimacy and illegitimacy" (Roy, 2005, p. 149).

Unhoused people are subject to what Cacho (2012) calls "racialized rightlessness" (p.5). This form of rightlessness is akin to social death, where social groups who are regulated and contained by the state are subject to "laws's discipline, punishment and regulation" but "excluded from justice…excluded from law's protection" (Cacho, 2012, p. 5, as cited in Roy et

al, 2022, p.9). These arbitrary legal processes present through the veneer of law, the positioning of law as a tool of intimidation and exclusion, strategic manipulations of law to meet an immediate need, and through the discretion exercised by police and the City to evict residents.

The Veneer of Law

The first element of these arbitrary and informal applications of law is the construction of a veneer of law, where state violence is disguised by the veneer of legality and legitimacy. The appearance of law is partially achieved by ambiguity and unclarity. When asked to examine the suspension notice, a community lawyer (Community Lawyer 1, personal communication, March 17, 2022) said,

> it...cites all this legislation, but then says an appeal is...through my office, who are you? And...is that even true?...Who made this determination of time? And is it within the legislation they cite above? It's really unclear, and you would need at least someone with some legal training to go through this.

The appearance of law deliberately obfuscates the meaning of the notice, causing intimidation, and creating a barrier to access and understanding. It is especially telling that community lawyers interviewed for this study found the suspension notice unclear and misleading. If those with years of legal training and experience find the suspension notice ambiguous and obscurely-worded, that is an indicator of how inaccessible it is for those without legal training.

This veneer of law becomes a facade and justification for state violence. As a participant stated, the law is "the window dressing on ultimately what becomes the use of naked force" (Community Legal Worker 1, personal communication, April 14, 2022). Part of constructing a veneer of legality is following a semblance of due process prior to the evictions. One participant said, the City operates under "this veneer of, 'we're just following legal steps, this is what the law says, we have to do it'" (ESN 4, personal communication, May 10, 2022). This comment is reminiscent of police officers justifying violent or disproportionate behaviour as "just following the law." The law is depicted as an ahistorical, neutral set of rules, exempt from interpretation or discretionary application. Another participant identified a facade of legality in the City's tendency to make spurious offers for shelter space to justify ensuing evictions. They said, "you're currently living in Moss Park, and we can offer you a place at The Delta, which is at 401 and [Kennedy]…and that's obviously not going to work, but then the City can say 'we had an

adequate place to house you, you refused it, now we can evict you'" (ESN 3, personal communication, April 10, 2022). The City makes these offers, perhaps knowing they are unsuitable - it is unlikely that anybody would want to move an hour away from their community and service-providers, but once the offer is made and a semblance of legal process is followed, this serves as a rationale for eviction.

A Tool of Intimidation and Exclusion

The Suspension Notice functions as a legal tool of intimidation and exclusion. Banning individuals from public space is a "form of violence and threat" (Community Lawyer 1, personal communication, March 17, 2022) and an "attempt to intimidate" (ESN 1, personal communication, March 31, 2022). Suspension notices like the one served in this context are so rarely used, as was described earlier in this paper, that even lawyers and legal workers had not encountered them in their work (Community Lawyer 2, personal communication, April 14, 2022). Since law is "a tool of people with privilege and means," serving a suspension notice, especially to someone the City knows may not have the resources to interpret it, is "a way to scare, intimidate, and create barriers" (Community Lawyer 1, personal communication, March 17, 2022). Echoing the argument that legal language is exclusionary, one advocate said, "if this person were a rich person, they'd file a libel suit" (ESN 2, personal communication, April 3, 2022).

The unenforceable nature of the suspension notices demonstrates that they function primarily as a tool of intimidation. Two ESN volunteers who are familiar with an individual the suspension notice was served to noted this. One said, "they just kept giving him notices, and I don't think any of them went anywhere" (ESN 1, personal communication, March 31, 2022). Mirroring that, one of the people served a notice returned to the park "after a few weeks" (ESN 4, personal communication, May 10, 2022). When told by the City that they were not "supposed to be here," the receiver of the notice would respond, "so what are you going to do?" (ESN 1, personal communication, March 31, 2022). Because the suspension notice seeks to ban the individuals from all parks, community centres, and Parks, Forestry, and Recreation programs, rather than only one park or program, it is particularly unenforceable. The evident unenforceability of the suspension notice begs the question of why the City would issue a legal document it does not seek to enforce.

Strategic Mobilizations of Law

The strategic mobilization of law to meet the City's immediate goals is another example of the arbitrary application of law on unhoused people. This manipulation of law is a feature of informality, because "politicians and officials have interests…and manipulate the boundaries of informality to suit their own ends" (Harris, 2018, p. 269).

An ESN volunteer expressed the "disjunct" in the mobilization of "bylaw to do something that is quite serious," as the "bylaw structure" doesn't seem "capable" (ESN 1, personal communication, March 31, 2022). The reinterpretation or strategic use of law in a) mobilizing camping bylaws to evict encampment residents and b) issuing suspension notices is one instance within a broader governance mode. For example, Regulation 233/10, which was passed to "enhance security during the G20 summit" gave police the power to "infringe on freedom of expression in ways that do not seem justifiable in a free and democratic society," the Ontario Ombudsman at the time decided (Marin, 2010, p.5). Regulation 233/10 was passed under the Public Works Protection Act, which was a war measure enacted in 1939 in response to threats against Ontario's infrastructure (Marin, 2010, p. 9) and had "sat largely dormant on Ontario's statute books for more than 70 years" until it was mobilized to arrest over 1,000 people during the G20 protests (Marin, 2010, p.6). This example shows how law can be arbitrarily mobilized to have outcomes that are clearly disparate from its original intent and context.

Bylaws that regulate the use of space, including camping bylaws, are often inherited through nuisance complaints (Valverde, 2011, as cited in Evans, 2021, p. 39). Nuisance complaints impact unhoused people considerably more than other social groups (Evans, 2021, p.39). Rather than emerging from top-down planning, contemporary camping bylaws in Toronto evolved from earlier bylaws that prohibited trailer and tourist camps pre-amalgamation, and were inherited through nuisance complaints (Evans, 2021, p.39). In that context, the mobilization of bylaws regulating camping and lodging (s. 608-13) and tents and structures (s.608-14) "is not about the uniform application of particular legislation or bylaw" (ESN 1, personal communication, March 31, 2022). Rather, it constitutes a "strategic…or tactical application" which is a common feature of the legal system, but it was "interestingly blatant" in this case (ESN 1, personal communication, March 31, 2022). Camping bylaws were reinterpreted to meet the City's goals, with no consideration for their origin and intended use, as one community lawyer noted that the "bylaw wasn't drafted thinking about homeless encampments"

(Community Lawyer 2, personal communication, April 14, 2022). Similarly, speaking on the suspension notice, an ESN volunteer called it a "tactical or strategic gesture," utilized to "deal with an immediate need" (ESN 1, personal communication, March 31, 2022). Another participant called it "grasping for straws," where the City feels a "need to use all of the authority possible to make sure that this person doesn't get comfortable in the park" (ESN 2, personal communication, April 3, 2022). The aforementioned comments indicate the unscrupulous manipulation of law to meet an immediate end, with little concern for long-term outcomes or implications.

Discretionary Applications of Law

The discretionary enforcement of law is another feature of how unhoused residents are subject to exceptional processes of illegalization. Discretion is a key feature of police power. As an arm of the state, the police function within the frameworks of informality, deciding what is legal or illegal, legitimate or illegitimate, and permissible or forbidden. Law enforcement agencies have "near absolute" discretion (Neocleous, 2000, p.99), and discretion can involve "any form of behaviour" ranging from disregarding an event to committing brutal violence (Neocleous, 2000, p. 101). In the context of the evictions, it appears that "how the police enforce laws, or which laws they choose to prioritize in their work seems to be up to them," as they act "on their own volition" (Community Lawyer 2, personal communication, April 14, 2022). Police officers "enforce the law as they see fit," and their choices are "congruent with those of the ruling class" (Neocleous, 2000, p.100). Because the discretionary decisions made by police are dynamic, unstable, and individualized (while proceeding from systems of white supremacy, settler-colonialism, and capitalism), the "exercise of police discretion defines who is deviant in any social context, and how that deviance is controlled" (Neocleous, 2000, p. 100).

The temporal specificity of the evictions, or the question of "why now?" is relevant to the question of discretion. Since "these laws have been in place…a long time, and some encampments have been in place for a long time," what does it mean that "the police weren't choosing to enforce it then" (Community Lawyer 2, personal communication, April 14, 2022)? The question of timing may be explained by pandemic and vaccination timelines. The City first attempted evicting Lamport Stadium residents in mid-May 2021, and the evictions continued

into July 2021 (and many since,[8] that did not receive widespread media coverage). COVID-19 vaccinations became widely available in Toronto beginning May 2021, and the City aimed to revert to pre-pandemic consumptive norms, with recovery and reopening plans. The continued existence of encampments in downtown parks threatened unrestrained consumption by being a glaring consequence of the failure of unrestrained capitalism to meet the basic needs of all.

Although discretion and the informality of law could have been negotiated to ease the conditions of encampment residents, the state refused to do so, despite instances of exception in other contexts. For example, the City creates exceptions to the camping bylaws for other groups, such as Girl Scouts, who are permitted to set up camps on Toronto Snake Island (Marfo, 2022). City Council failed to make use of the "state of exception" (Roy, 2008, p.147, 153) to strategically mitigate some of the vulnerability experienced by encampment residents. Calls from housing advocates and community lawyers to amend, overturn, or even temporarily suspend the camping bylaws that formed the state's justification for eviction went unanswered. Referring to a statement by a City Councillor who expressed that the City cannot allow the encampments because it would have to institutionalize or authorize them, an advocate asked why a "temporary pause" or amendment is not an option (ESN 2, personal communication, April 3, 2022). Advocacy groups in the city have explicitly called for the repeal of camping bylaws (s. 608-13 and s.608-14) in the Toronto Municipal Code. In an emergency shelter and infrastructure preparedness plan prepared by Shelter and Housing Justice Network and delivered to the Mayor, City Council, and Shelter, Support and Housing Administration (SSHA), repealing the bylaws was a primary demand (Withers et al, 2021, p.7). The Ontario Coalition Against Poverty, which was one of the co-signers on the aforementioned plan, hosted a press conference in March 2022 reasserting the same demand (Marfo, 2022). Citing Desmond Cole, a participant attributed partial blame on "left-leaning councillors [who] chose not to try to amend the policy" (Community Lawyer 2, personal communication, April 14, 2022). While existing laws "allowed that violence, it was the choice of the lawmakers not to change the laws, in anticipation of it, that endorsed the violence" (Community Lawyer 2, personal communication, April 14, 2022). Echoing the earlier call for a moratorium or amendment, they continued, "Council could have changed its…park bylaw policy, and then there is nothing for the police to enforce" or they

[8] See Pesaruk (2022) for coverage of the City's clearing of smaller encampments.

would have had to find another way to evict residents (Community Lawyer 2, personal communication, April 14, 2022).

Carceral Housing: A State of Permanent Displaceability, Institutionalization, and Ongoing Violence

> Those same people are now, instead of in the park, they're next to the McDonald's. It's hard for me to see the difference in terms of the City's perspective on, how one is better than the other? Why is that person being on the street, next to McDonald's, better than them being in a park in a tent that's literally saving their life? (ESN 2, personal communication, April 3, 2022)

By enforcing encampment evictions, operating in the framework of propertied citizenship, and subjecting unhoused people to informal and exceptional legal processes, the City continues to subjugate encampment residents to a condition of permanent displaceability under the guise of law and order (Yiftachel, 2020; Roy et al, 2022). Moving beyond instances of urban displacement, and towards understandings of displaceability as a condition of "being susceptible to involuntary distancing from…rights and resources" (Yiftachel, 2020, p. 155) has been a perceptible shift. As a systemic phenomenon and carceral form of spatial governance, displaceability is evident in policy, law, and blatant violence that holds vulnerated social groups "in suspense, often living on borrowed time in conditions of growing vulnerability and uncertainty" (Yiftachel, 2020, p. 161). This mode of governance reconfigures urban citizenship; and there is a proportional relationship between the threat of displacement and weakened urban citizenship (Yiftachel, 2020, p. 161). Displaceability is where colonized urban citizenship is re-constructed as "separate and unequal" (Yiftachel, 2020, p. 160). The permanent displaceability of unhoused people can be represented in a nonlinear cycle that consists of nine components within three thematic stages: 1) swept and violated 2) waiting, the shuffle, separated, and disappeared, and 3) threatened, punished, banished (Roy et al, 2022, p. 21). Permanent displaceability removes "the right to urban life" (Roy et al, 2022, p. 21).

Repeatedly Evicted, Permanently Displaced

This state of permanent displaceability and its relation to institutionalization was described by several advocates and community lawyers. A community lawyer said, "even if you

do get into a shelter, the conditions are so horrible, and that's forced displacement again" (Community Lawyer 2, personal communication, April 14, 2022). One ESN volunteer (ESN 4, personal communication, May 10, 2022) indicated the vicious cycle of constantly being removed from spaces:

> they're getting kicked out of any situation that you put them in…this is why they're here [at the park]….they're not able to stay with friends or family…they've been kicked out of those spaces, they've been kicked out of every space they've tried to live in, and now they're here, and they can get kicked out of here…and then they're on to the next place.

Existing in a state of permanent displaceability is related to the invisibilization of houselessness, and the state's propensity to permit unhoused people to exist in less central, more liminal locations in the city (or on its outskirts). Mirroring the quote at the beginning of this section, an ESN volunteer said, "we see some of the people, still hangout there…they're just camping in more secret locations" (ESN 4, personal communication, May 10, 2022). This claim is supported by an article by the Toronto Star's Affordable Housing Reporter, who spoke to unhoused people living in concealed corners of the city, preferring to remain out of the sight of surveillance (Gibson, 2022). Herring et al (2020) calls this phenomenon "spatial churn," where police enforcement forces "homeless people [to] circulate between neighborhoods and police jurisdictions rather than leaving public space" (Herring et al, 2020, p.131 as cited in After Echo Lake Park Research Collective, 2022, p.76). Another ESN volunteer shared these sentiments, saying that moving outside the downtown core allowed people slightly more freedom to use the space (ESN 2, personal communication, April 3, 2022). The City's inclination to tolerate encampments outside of the core affirms that the City views them as liminal and rootless. In a feedback loop, the City perceives of encampment residents as liminal, and allows them to "live in spaces that are liminal and interstitial, as if that's the only place that they can belong, that the City can reconcile with" (ESN 2, personal communication, April 3, 2022). Raising questions of differentiated citizenship, they asked, "what does that say about …what the City thinks that they [unhoused people] deserve?" (ESN 2, personal communication, April 3, 2022). The restriction of unhoused people to liminal and transient public spaces creates what May (2000) calls a "spectral geography" (p.738), and those moved to the periphery are "marked as marginal in the social imagination of the proper citizenship" (Bhan, 2012, p.38).

Time and temporality play a role in the use of displaceability as a tool of governance: "there's so many false alarms…they put up all these notices, [saying] you must leave by this day,

and nothing happened, several times" (ESN 4, personal communication, May 10, 2022). Time is indispensable in enforcing displaceability, as "living under the permanent threat of displacement" excludes the marginalized from civic life (Roy et al, 2022, p.20). Cut-off dates like the one mentioned in the aforementioned quote are "necessarily arbitrary… reinscribing legality and illegality" (De Genova and Roy, 2020, p. 358). Cut-off dates can become policed "temporal borders" (De Genova and Roy, 2020, p. 358), extending colonial logics of bordering, illegalization, and disposability to other marginalized groups within the nation's border to subordinate and dispossess them.

The ultimate goal of permanent displaceability, as a tool of governance, is banishment from the city. By deciding to evict encampment residents without providing alternatives that were deemed appropriate by encampment residents, "the City's effectively saying leave, do not be a citizen here…go somewhere else" (Community Lawyer 2, personal communication, April 14, 2022). They (Community Lawyer 2, personal communication, April 14, 2022) continued:

> you've created a home here, you're saying it's the only place that you feel you can live in the city, we're providing you no alternative, we're saying we are but that's not forthcoming. So we're going to use the power of the state, through the police, to disperse you. And I think it's so you leave the city.

Permanent displaceability is "wielded upon unhoused people to create and maintain a condition of insurmountable rightlessness…weaponized to…disempower people through repeated traumatizations, until they ultimately succumb to banishment" (Roy et al, 2022, p. 36). Banishment is "an expulsion from the body politic" and an "expansionary" spatial logic which bars targeted persons from accessing many places in the city (Beckett and Herbet, 2010, p. 11).

Systems of Ongoing Violence

Permanent displaceability situates the evictions in the context of ongoing state violence against marginalized groups in the city. When asked about the police violence exhibited at the evictions, a community lawyer connected the specific incident to broader patterns of violence. They said, "the police response we saw is not new. It's part of state terrorism that we've seen against Black and Indigenous populations since these forces were created…this is just another example of how violent and unhinged they can be" (Community Lawyer 1, personal communication, March 17, 2022). The violence against unhoused people is congruent with forms

of legally-imposed spatial exclusion mobilized against other marginalized groups. These exclusionary tactics include "TTC constables targeting people for alleged non-payment of fares, who they target, how they target, the defunding of social housing, [and] no access to public washrooms" (Community Lawyer 2, personal communication, April 14, 2022). The aforementioned are micro-examples of the ways people with marginalized identities are excluded from public space and subject to ongoing, disproportionate policing.

An additional element key to situating the evictions in broader patterns of violence is noting how the City's reactions increase in proportion to mobilization against police violence, both prior to the evictions and during them. Referring to Robin Maynard's *Policing Black Lives*, one participant said, "2021 saw the blowback against the defund and abolition movement over police hostility" (Community Lawyer 1, personal communication, March 17, 2022). During the evictions, police violence escalated and media attention grew as public resistance spread. One participant said, "they weren't prepared for the amount of pushback that they got from the public and advocates and the people living there…they started using fences and hundreds of police officers and that's when things got much more militarized, once they realized they couldn't just issue a notice and come in with a couple of cops" (ESN 3, personal communication, April 10, 2022).

Shelters, Institutionalization, and Questions of Agency

The shelter system and institutionalization more broadly contribute to the subjugation of unhoused people to a state of permanent displaceability. This includes imposing carceral and arbitrary rules on shelter users, depriving unhoused people of choice and agency, and deceiving housed and unhoused residents of the city about availability and vacancies in shelters.

Shelters and shelter hotels are governed by carceral rules (Herring et al, 2021; Speer, 2018; Miller and Stuart, 2017) that compromise the security, privacy, and agency of unhoused people. This "condition of rightlessness…enable[s] gross violations to the minds and bodies of unhoused people" (Roy et al, 2022, p.28). Arbitrary rules surrounding curfews, check-in and check-out processes, food consumption, wellness checks, substance use, and the disallowance of visitors are dehumanizing and continue to criminalize those living in shelters: "they are designed to punish the unhoused for the "crime" of experiencing poverty" (Roy et al, 2022, p. 28). Not only do these carceral and arbitrary rules shape the experience of those using shelters, they also

prevent others from potentially accessing shelters. One ESN advocate said "people wouldn't want to go in there because they had experienced being incarcerated, and they're like, this is exactly the same thing…the same feeling" (ESN 3, personal communication, April 10, 2022). Similarly, "shelters aren't a viable option for a lot of folks because to be in the shelter system, they require sobriety, and sobriety for a lot of folks is not an option" (ESN 2, personal communication, April 3, 2022). It is important to note that some shelters adopt a harm reduction approach to drug use, where shelter residents can use drugs in safer spaces.

The carceral nature of institutions is another way unhoused people are dispossessed of agency. By asserting that encampments are unsafe, and that unhoused people should instead accept spaces in shelters, "the City decided what is safer for people rather than allowing them to have…bodily autonomy over what they consider to be safe and what is best for them" (ESN 3, personal communication, April 10, 2022). Bodily autonomy, choice, and the right to govern one's body are central to personhood. Also, the City is also privileging an understanding of "safety" that protects property, consumption, and profit over people. The significance of choice was expressed by a participant who said, "regardless of what you think their capacity is to make a "right decision"...every decision you ever make in your whole life, you in that moment [believe] this is the right decision" (ESN 3, personal communication, April 10, 2022). By extension, if shelters are "less preferential…for reasons like safety, comfort, [and] belonging" (Community Lawyer 2, personal communication, April 14, 2022), then institutionalization separates people from the relationships that form the "critical infrastructure" of their lives (Roy et al, 2022, p.32). An ESN advocate shared a testimony from an unhoused person that illuminated the aforementioned: "the most important [thing] to preserve when you're in this long-term survival mode is your soul, your sense of self and sense of identity…that's the thing that once you lose, it's hard to survive" (ESN 2, personal communication, April 3, 2022). The oppressive treatment of unhoused people in shelters is dehumanizing and "when people continually treat you like you're nothing, you start to believe you're nothing and then you don't have anything left" (ESN 2, personal communication, April 3, 2022). Being stripped of choice, agency, and dignity in this way is akin to social death (Patterson, 1982; Cacho, 2012). In the context of housing, permanent displaceability, the trauma of being shuffled through temporary shelters, and the constant threat of eviction and violence is a dehumanizing experience.

In addition to the carceral logics embedded in institutionalization and the unsuitable conditions in shelters and shelter hotels, several advocates shared that there were no vacancies in shelters despite the City maintaining that shelters are the only permissible spaces for unhoused people. This deception is a component of permanent displaceability, placing unhoused people in a condition of waiting, where the process of securing stable housing is infinitely prolonged, arbitrary, and changing (Roy et al, 2022, p.29). The assertion that shelter spaces were open and available to those who would accept them was a central part of the City's official narrative,[9] and served to show the propertied public that the City was doing all it can to provide solutions, and that encampment residents were making imprudent decisions. The City insisted that not only were shelters the only authorized option, but that they "ought to be your preferred option" (Community Lawyer 2, personal communication, April 14, 2022). One advocate recounts spending days calling central intake with unhoused people, where the shelter system "would be 90% full, 95% full" and the response would be "no, no, no can't get anyone in" (ESN 3, personal communications, April 10, 2022). If there was a vacancy, it would be because someone else was expelled from the shelter, or because another shelter user had died (ESN 3, personal communications, April 10, 2022). The psychological toll of constantly attempting to seek indoor spaces (which encampment residents are told are the only option) only to learn they are unavailable, and once a place is available, knowing that another person has either died or been expelled is unimaginable.

Another advocate said that either there were no beds available, "or they would be only available on the other side of town" (ESN 2, personal communication, April 3, 2022). The assertion that unhoused people ought to accept any indoor space, even if it is far from their community and networks implies that the state perceives of unhoused people as rootless and individualized, not part of larger social ecosystems and relations. In the struggle for permanent housing, unhoused people are expected to willingly move from one location to another, leaving behind friends, communities, and networks (Roy et al, 2022). Of course, "the movement through the system is…an illusion of advancement and progress" (Roy et al, 2022, p. 31). The shuffle also serves another purpose, it scatters people and individualizes a systemic issue, separating people into "separate trajectories of impermanent shelter" (Roy et al, 2022, p.31). Overall, the City's claim that there were vacancies in shelters was misleading and deceitful. One participant

[9] See the City's various press statements on encampments for evidence of this.

asserted that "even if there is a vacancy in a shelter, that shouldn't matter. That doesn't mean that the encampments were more or less valid, based on the vacancy in a shelter" (Community Lawyer 2, personal communication, April 14, 2022), highlighting the importance of choice, agency, and bodily autonomy.

Becoming Contentious: Survival, Resistance, and the Mundane

The state's response to encampments exemplifies Asef Bayat's understanding of how the mundane acts of the urban majority for the purpose of survival become contentious and threatening to the state (Bayat, 1997, 2013). Bayat elucidates how public space becomes a site of contestation between everyday actors and state authorities when urban residents seek to improve their material lives and in doing so, threaten the social order. This moment of contention is an extension of carceral modes of governing space. One advocate indicated how acts of survival become contentious: "I think it was both out of necessity, but also, people setting up encampments is a kind of mundane resistance that is about asserting your survival" (ESN 1, personal communications, March 31, 2022). This mundane resistance of institutionalization and unsuitable temporary solutions is also a form of radical and insurgent planning.

Encampments are a form of extra-capital relationality, and the City seeks to criminalize, punish, and eliminate any system of relationality that is extra-capital, since its existence threatens hegemonic social order. In more detail, encampments did not comply with the City's tactic of containment (Davis, 1992; Ewick,1998, as cited in Beckett and Herbert, 2010) "through policing, and through warehousing…people into shelter systems," which it uses to regulate poverty and destitution in the city (Community Legal Worker 1, personal communication, April 14, 2022). Encampments, an outcome of poverty and destitution, forming in visible and central locations in the city "undermined the credibility of the social system" and "sanctity of private property" that dominate the current social order (Community Legal Worker 1, April 14, 2022). The state "places value on those capitalist structures as the ultimate form of validity" while "criminalizing activities that are extra capital" (ESN 2, personal communication, April 3, 2022). Thus, "the encampment evictions and the targeting of encampment residents…was a direct response to people's non-compliance with that general strategy of containment" (Community Legal Worker 1, April 14, 2022), as the state criminalizes activities that occur outside of what it permits as legitimate. The criminalization of extra-capital activities is an extension of carceral logics that

govern urban space, "which seek to immiserate and punish anyone whose lives fall outside of - and thus demonstrate the contradictions of - the strictures of that very system" (Roy et al, 2022, p. 3).

Moments of Possibility: Looking Forward

> I think they did change perception, of not the majority, but I think the majority is probably unmovable. But I do think they changed the perception for many people who maybe would have otherwise ignored the encampments and the evictions. (Community Lawyer 2, personal communication, April 14, 2022).

Near the end of several interviews, participants reflected on the successes and failures of organizers - and housed Toronto residents at large - in responding to the encampments and the ensuing evictions. These conversations diverted from simple evaluations of advocacy groups such as ESN and others who worked to provide encampment residents with resources and basic necessities, and more towards open-ended reflections on what these experiences may mean for housing justice advocacy and organizing on the left more broadly. These lessons invite more justice-oriented ways of creating the city, adopting radical and insurgent planning practices even if not named as such. Since much of this analysis examines the ways law is used by the state to exclude encampment residents from space, it is important to additionally note the small moments where alternative futures may be imagined. In the struggle to move beyond the systems of oppression that subject people to the condition of houselessness and displacement and instead, propel cities towards systems of care, pockets of possibility become essential as "so much of the work of oppression is policing the imagination" (Hartman, 2020).

While this was briefly mentioned in all the interviews, a few participants (Community Lawyer 2, ESN 2) explicitly mentioned that despite the violence that encampment residents were subjected to before, during, and after the evictions, and despite the dissolution of ESN in February 2022 (ESN, 2022), the material and emotional resources ESN shared with encampment residents were important in at least marginally decreasing precarity.

Legitimizing Tools and Wider Audiences

Another element that was reflected upon is the usage of "legitimizing" tools to connect to a wider audience. Playing the respectability politics game expands support bases and invites

more people into the cause, but notions of respectability are derived from racist, classist, and misogynist ideals surrounding appropriate behavior. Regardless, one participant noted the importance of "using various tools and access to spaces to make your case" (Community Lawyer, 2, personal communication, April 14, 2022). In addition to centering the voices of encampment residents to speak for themselves, ESN volunteers often spoke to the media as well, and made choices on how supporters or advocates speak. One participant said, "many of the supporters…spoke the right language….that the media receives well, that kind of reads well…and whether people agree with it or not, it's eloquent, and I'm using that word intentionally, knowing all the connotations" (Community Lawyer 2, personal communication, April 14, 2022). Moving past the tension between complying with respectability and amassing a wider reach, identifying which dissemination tools to use and in which ways is an important step. Another legitimizing strategy is the dissemination of information in ways that are legible to the broader liberal public, using recognizable tools. For example, ESN organized several press conferences where the general public and media were invited to witness encampment residents speak on the situation. One ESN outreach volunteer said the press conferences were "an amazing way to build power" as they offered a way to reach people who are familiar with press conferences, and who may not "understand these people's situation" but were open to listening and learning in a recognizable format (ESN 3, personal communication, April 10, 2022).

The decision to host press conferences was a legitimizing tool that enabled encampment residents and ESN to reclaim the narrative, which further legitimates the cause. Prior to an eviction, ESN

> (...)made a decision to hold a 7AM press conference, so media showed up for 6AM and were able to get through the fence…if it wasn't for those decisions we made, the narrative could have been spun any which way…it was undeniable, the photos and video coming out of there, that was live streamed, showed things exactly as it was, and I don't think the City was ready for that (ESN 1, personal communications, March 31, 2022).

The value of citizen journalism and digital media was evident in the context of the evictions. One participant shared an incident where a local newspaper was hosting a Twitter Space during the Trinity Bellwoods eviction, where the City's Chief Communications Officer, Brad Ross, Zoë Dodd, a harm reduction organizer, and Lorraine Lam, an outreach worker with SanctuaryTO were on a live audio call. In the midst of Ross' attempt to share the City's official narrative of

'assisting people to get into safer housing,' Lam indicates that dozens of police arrived at the site, and that she had to leave the call to assess the situation. Because this all happened so quickly, and was live streamed, the City's Chief Communications Officer could not spin the narrative. The participant said, "as soon as the City's narrative is broken, they don't have anything" (ESN 3, personal communication, April 10, 2022).

Changing Perceptions and Mobilizing Support

Another motif was that the violence of the encampment evictions changed the perception of some housed residents of the city. One participant said, "I do think they changed the perception for many people who maybe would have otherwise ignored the encampments and the evictions" (Community Lawyer, 2, personal communication, April 14, 2022). Similarly, another participant said, "even people who didn't want the encampments there, enough people felt, 'okay, this is still an overreach, we didn't want it this way'" (ESN 1, personal communication, March 31, 2022). This may be because encampment evictions "clarified that there's something else at play…it feels like an irrational response…it made people ask questions in ways that…are useful" (ESN 1, personal communication, March 31, 2022). The violence and the amount of financial and human resources the City expended demanded critical thought. The City saw a significant amount of public pushback, whether that manifested in neighbours attending evictions to bear witness, fundraising for ESN, or academics, healthcare workers,[10] lawyers,[11] musicians,[12] and artists and authors[13] launching public letters against the evictions.

This shift in narrative and perspective also extended to the media. A participant shared, "I'm seeing more engaged housing and homelessness reporting, more skepticism about city stats, more interest…we just supported the residents of the Bond Shelter hotel to start a Twitter account[14]…and there was a lot of media interest immediately…and the City had to respond" (ESN 1, personal communication, March 31, 2022). This shift better enables residents and some journalists to "see the…displacement of unhoused people as important to tell stories about and value, and that it's in the public interest [to do so]" (ESN 1, personal communication, March 31,

[10] See letter of support from healthcare workers.
[11] See letter of support from lawyers.
[12] See letter of support from musicians.
[13] See letter of support from artists and authors
[14] See Voices from the Bond Twitter account.

20222). This displays a potential for greater solidarities to be forged between housed and unhoused residents of the city.

The pandemic context (in addition to the exorbitant and cruel violence of the evictions) is fundamental to the increased public support. The pandemic brought housed and unhoused residents closer together "not only in proximity…but also solidarity" (Zarepour, 2021). The housing crisis was no longer invisible and "support networks across the city meant people were learning that they, too, can support their neighbours in encampments" (Zarepour, 2021). An ESN volunteer affirmed this, saying that "it got so many people involved…who'd never done that kind of work" (ESN 4, personal communications, May 10, 2022).

Forging Solidarities and Finding Common Ground

In late summer and early fall 2021, the City pivoted to a human rights oriented, individualized approach at the Dufferin Grove Park encampment, where encampment residents were offered support with taxes and identification cards and offered suitable housing (Gibson & Pagliaro, 2021). According to a Toronto Star article published on September 28, 2021, City communications showed that 5 occupants had signed leases, 11 were going to viewings or lease signings, and 15 people had obtained identification cards (Gibson & Pagliaro, 2021). During this process, however, the City wanted to ensure that no more people would set up tents at Dufferin Grove, and hired a private security company to monitor the park 24/7 to ensure so. A participant who was at Dufferin Grove said that conversations with these private security employees, who were young, "Black and South Asian workers" led to agreement on "what the root of the problem is, and they were like, "oh, these people need mental health supports that don't exist, or don't have family supports…they need to be supported. They need to be given housing…we understand what you're doing"" (ESN 1, personal communications, March 31, 2022). Finding common ground with private security, some of whom worked "at the shelter and…would show up at the evictions to do less violent crowd control" (ESN 3, personal communication, April 10, 2022), was unexpected, but serves as a reminder of the solidarities that may be forged when seemingly oppositional forces have opportunities to engage. This is especially relevant considering how the state treats houselessness as a job creator with a "network of contracts…service provision, that hires" racialized precarious workers in "frontline roles…to create a very fraught dynamic that actually prevents any sense of solidarity" (ESN 1, personal

communication, March 31, 2022). It's additionally worth noting that this participant believed the Dufferin Grove pilot project happened "as a direct result of the resistance at Lamport" (ESN 1, personal communication, March 31, 2022). One of the reasons "Dufferin Grove was selected, specifically for this tactic…is because they knew that we were there, and that there was a possibility that we would resist again, and they wanted to avoid that" (ESN 1, personal communication, March 31, 2022). It is noteworthy that the threat of public resistance encouraged the city to adopt a human rights approach and house people.

Concluding Discussion: Toronto, City of Displacement

In July of 2022, encampments continue to exist in less visible, more interstitial areas in the city such as the Rosedale Ravine and the Don Valley, with limited access to community networks and social services (Gibson, 2022). The City continues to evict unhoused people from smaller encampments, such as Allan Gardens (Pesaruk, 2022) and Clarence Square Park (Draismaa, 2022a). In March 2022, the City moved to decommission five shelter hotels, two of which offered shelter space to 231 people (Draismaa, 2022b). Surveillance tactics are enforced to coerce people living in encampments into leaving (Lam, 2022) and to prevent the formation of new encampments. In May 2022, the City proposed a plan to institute 24/7 private security surveillance in Trinity Bellwoods, Alexandra Park, Lamport Stadium, and Dufferin Grove Park to dissuade houseless people from setting up tents (Brockbank, 2022). Advocates later learned that the City spent $1 million CAD on these private security contracts without appropriate Council approval (Spurr, 2022). This brief account of the City's response to encampments since the issuance of the suspension notices shows that the tactics mobilized in the summer and fall of 2021 were one moment in a state of ongoing violence and displaceability the City subjects unhoused people to. The relentless spatial exclusion of unhoused people has extreme consequences - over 200 people died while houseless in 2021 according to municipal data (Draismaa & Ricci, 2022), and as of July, 64 unhoused people died in 2022 (Toronto Homeless Memorial Network, 2022).

The City of Toronto persists in its mobilization of tactics of spatial exclusion against unhoused people, as seen above, despite its official acceptance[15] of recommendations put

[15] See the press release where the City accepts the recommendations here.

forward by the Ombudsman in an interim report investigating the City's process for clearing encampments last summer. The investigation considers how the City planned the evictions, engaged stakeholders, and communicated with the broader public, but the interim report is specific to how the City coordinated the response to encampments (Addo, 2022, p. 9). In July 2022,[16] Ombudsman Kwame Addo offers eight early recommendations on clarifying the role and mandate of the Encampment Office, developing a detailed plan on updating the Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP), and hosting public consultations with community groups (including unhoused people) on how to do so (2022, p. 11). More generally, Addo identifies a series of fairness problems with the City's encampment response, states that encampment clearings are "disruptive" and "traumatic," and affirms that the "City owes a particularly high duty of fairness to those residents, who are among the most vulnerable in Toronto" (2022, p. 11).

The persistent spatial exclusion of encampment residents and the dire consequences of these policies indicate the ongoing relevance of this topic. This article aimed to identify the implications that the City's eviction tactics in the summer and fall of 2021 have on questions of urban citizenship and the reconfiguration of spatial governance in Toronto. It additionally investigated how and why legal processes of spatial exclusion are mobilized against unhoused people, and how those processes produce differentiated access to urban citizenship and rights. I argued that the City of Toronto utilized arbitrary and exceptional enforcement tools against unhoused people to reassert legitimacy in a moment of intersecting crises. These tactical mobilizations of law are embedded in propertied relations and notions of propertied citizenship, reproducing colonial modes of governance that create differentiated citizenships. Despite the rhetoric of inclusion and diversity central to Toronto's brand, the City mobilized all the tools at its disposal to evict unhoused people from public parks. These drastic measures were adopted because the formation of encampments in highly visible spaces defies the assumptions of propertied citizenship, illuminating the precarity caused by capitalism and settler-colonialism, and destabilizing the very foundations of this city's legitimacy. The tactics used in the evictions and the issuance of the suspension notice subject unhoused people to a condition of permanent displaceability and ongoing violence, constituting a form of banishment akin to social death. Despite this, encampments, as manifestations of extra-capital living formations, the community

[16] See Ombudsman's report on the City's process for clearing encampments here.

groups that support them, and the community response against state violence may have significant implications for housing justice advocacy, left organizing, and the future of this city.

This paper is a contribution to socio-legal literatures on propertied urban citizenship and permanent displaceability, offering new insights on the arbitrary and informal processes of illegalization that exclude unhoused dwellers from public space in cities of the Global North. In a moment of increasing displacement and displaceability, compounded by the intersecting affordable housing and pandemic crises, investigations into these exceptional illegalization processes and the differentiated access to citizenship they subject unhoused people to are especially relevant and timely. The municipal administration's eviction tactics indicate that the City of Toronto is situated within a dangerous trajectory, where the urban rights and citizenship of vulnerated people is increasingly at stake.

The findings show that the City mobilized a disadvised legal tool, the suspension notice, in a way that is likely unlawful and unconstitutional to target two racialized encampment residents and bar them from public space. A former Toronto Ombudsman advised that the suspension policy is used cautiously and with a high degree of procedural fairness (Crean, 2010), because its power to prohibit denizens from public space can easily become too broad and unjustified. Although amendments to the Suspension, Ban, and Trespass policy were made, the City still breached its duty of procedural fairness in its pursuit of this tactic, as the suspension notice lacked legitimate administrative appeal, had a large impact as a year-long ban, and provided narrow procedural safeguards (CJC, 2021). The notice violates the Charter of Human Rights and Freedoms as well as the Toronto Municipal Code. It is discriminatory, arbitratry, and has disproportionate effects, and its far-reaching and draconian impact threatens the foundations of a free and democratic society (CJC, 2021).

The City issued the suspension notice and other eviction tactics to reinforce a vision of propertied citizenship. The City acted as a property owner responding to property owners - relying on the Trespass to Property Act and enforcing policy based on property owner's concerns surrounding nuisance, aesthetics, and property values. Nuisance complaints always have social, political, and moral undertones (Valverde, 2011), and are a guise for the desire to invisibilize "all that is unwanted" in the city (Bhan, 2009, p. 139-140). Within the citizen-taxpayer framework, as part of propertied citizenship, high tax-paying residents are more entitled to protections and rights (Walsh, 2018). Encampment residents are thus constituted as non-citizens who are

undeserving of access to elected municipal officials, increasing their precarity. Moreover, fundamental to the workings of propertied citizenship is the state power to determine who can use property and how (Przybylinski, 2021, p.2). Because unhoused residents seek to use property in ways that defy these permitted and proper uses, the state casts them as "improper political subjects," (Przybylinski, 2021 p. 8) deemed to a condition of rightlessness.

This condition of rightlessness and the differentiated citizenships it exemplifies is realized through the subjection of unhoused people to arbitrary, informal, and exceptional legal processes. As the state chooses when to maintain and suspend order, constructing categories of il/legitimacy (Roy, 2005), unhoused people are subject to the punishment and discipline of law, but are excluded from law's protection and justice (Cacho, 2012, p. 5). These arbitrary legal processes are evident in the creation of a veneer of law, where the City creates an appearance of law and legal process using unclear and ambiguous language to justify evictions and impose legal exclusion. The utilization of unclear language consequently obfuscates meaning, positioning the suspension notice as a legal tool of intimidation and exclusion. Its evident unenforceability is another indication that its aim is to intimidate. In that same vein, the City's strategic utilization of bylaws regulating camping, tents and structures (s. 608-13, s. 608-14) and the Suspension and Ban Policy (2011) exemplifies how the state reinterprets law to meet an immediate need, divorcing the law from context or intention, and using any and all resources to ensure the evictions occur. Moreover, the enforcement of evictions denote the discretionary power that police (as an arm of the state) exercise, deciding if, when, and how law is enforced. City Council refuses to use this power of exception to alleviate some of the precarity unhoused people experience by amending or temporarily suspending bylaw. This refusal signifies an endorsement of - or at least a complicity with - the violence of the evictions.

The enforcement of encampment evictions, which required a propertied approach to citizenship and the utilization of informal and exceptional legal processes, exemplifies the continued subjugation of encampment residents to a condition of permanent displaceability (Yifatchel, 2020; Roy et al, 2022) and state violence. This state of permanent displaceability is a carceral form of spatial governance, evident in the institutionalization of and violence (implied or actualized) against unhoused people. As a form of urban coloniality, displaceability creates "separated and unequal" citizenships (Yiftachel, 2020, p. 160). Institutionalization contributes to the sense of displaceability, shuffling denizens from one place to the next (if there are vacancies

in shelters, which is usually not the case). Shelters additionally subject unhoused people to carceral rules that infringe on privacy, safety, and bodily autonomy, and are a barrier to access for some unhoused people. Outside of institutions, the City only permits houseless people to remain in interstitial and liminal spaces and away from the downtown core to protect its bourgeois image. Of course, the invisibilization and criminalization of poverty is consistent with broader patterns of ongoing state violence in the city against poor and other marginalized people. In that context of ongoing state violence and neglect, unhoused people set up encampments to survive in a moment of a housing crisis augmented by the COVID-19 pandemic. In exercising agency and creating an extra-capital living formation that defies property relations, encampments become contentious. Since the existence of encampments demonstrates the contradictions of capitalism and colonialism (Roy et al, 2022), encampment residents are punished and criminalized.

The evictions in the summer of 2021 were a significant moment in this City's past that inevitably continues to shape its present and future. Conversations with advocates and community lawyers naturally led to reflections on the lessons learned from the community fundraising, organizing, and advocacy for unhoused people and against the evictions. These lessons include the power that tools of legitimization can have in reaching wider audiences, despite the politics of respectability. The language used when speaking to press and the dissemination of knowledge through recognizable forums such as community press conferences aided in reclaiming the narrative and legitimating the cause. These widespread changes in perception (including in more informed media) can be attributed to the geographic proximity of encampments to housed people in the pandemic, and the blatant violence that was documented and disseminated by advocates. Many people who have otherwise been unconcerned or uninformed became more engaged, with public mobilization manifesting in fundraising, support letters, and volunteering. Unexpected solidarities were forged and perspectives shifted as people who usually would not have opportunities to interact began to. For example, private security guards at Dufferin Grove engaged in conversation with ESN advocates and unhoused people, and all agreed on the roots of the housing crisis and that more supports and funding is necessary to address it. These solidarities are instrumental to envisioning and working towards a more liberated future, with safe and affordable housing for all.

Because this manifestation of displaceability occurs within a rising global trend, further work might examine the policy mobility of displacement tactics. What does displaceability mean for planning, how public spaces are perceived, and whom they are planned for? How do cities of the Global North exchange tactics of displacement, and to what ends? In addition, the role of time and temporality in the eviction tactics was particularly interesting, but not within the scope of this research. How do trespass and suspension notices function as policed temporal borders, and how is time (i.e. waiting, uncertainty) mobilized to further subject unhoused people to a state of permanent displaceability? Other than that, as per the Ombudsman's recommendation, the City's impending amendments to the Interdepartmental Service Protocol for Homeless People Camping in Public Spaces (IDP) will be the first substantial updates in two decades. An evaluation of the amendment process and the community engagement work done as part of it could reveal whether the City's governance of encampments will progress or remain unchanged.

The encampment evictions in June and July 2021 were a brutally violent, especially visible, and widely witnessed instance of displacement. As it contended with the public mobilization and backlash that resulted from the evictions, the City quietly issued suspension notices to perceived organizers in October 2021, which received less visibility and debate despite their far-reaching implications. Today, the City continues to criminalize, invisibilize, and evict unhoused people from public spaces, relegating them to interstitial and peripheral pockets of the city. These everyday instances of legally-imposed spatial exclusion, and the contentiously mundane forms of resistance to them, are ongoing.

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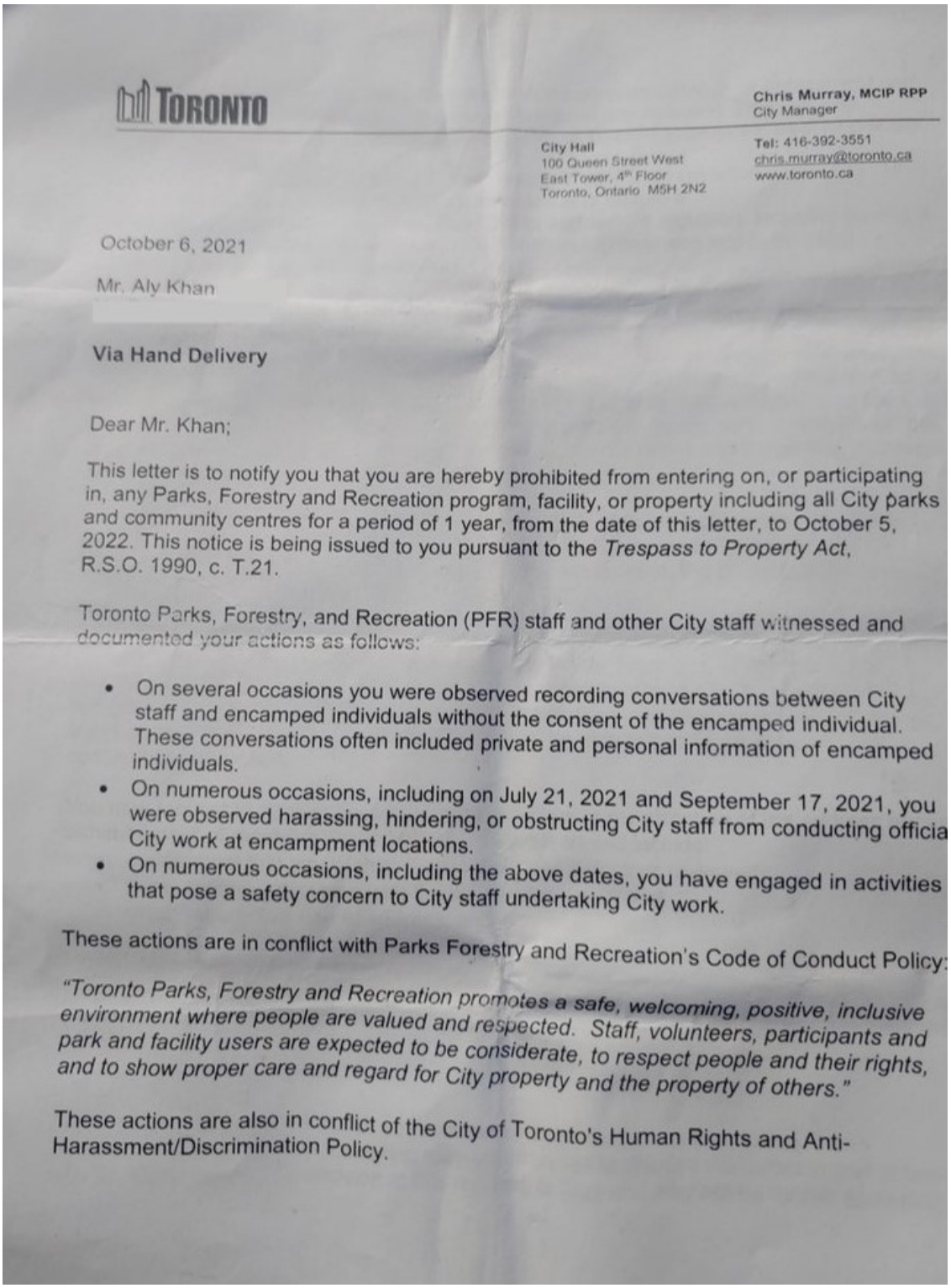
Appendix A

Suspension Notice Issued to Perceived Encampment Leader
(Toronto Coalition for Housing, 2021)



TORONTO

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October 6, 2021

Mr. Aly Khan

Via Hand Delivery

Dear Mr. Khan;

This letter is to notify you that you are hereby prohibited from entering on, or participating in, any Parks, Forestry and Recreation program, facility, or property including all City parks and community centres for a period of 1 year, from the date of this letter, to October 5, 2022. This notice is being issued to you pursuant to the *Trespass to Property Act*, R.S.O. 1990, c. T.21.

Toronto Parks, Forestry, and Recreation (PFR) staff and other City staff witnessed and documented your actions as follows:

- On several occasions you were observed recording conversations between City staff and encamped individuals without the consent of the encamped individual. These conversations often included private and personal information of encamped individuals.
- On numerous occasions, including on July 21, 2021 and September 17, 2021, you were observed harassing, hindering, or obstructing City staff from conducting officia City work at encampment locations.
- On numerous occasions, including the above dates, you have engaged in activities that pose a safety concern to City staff undertaking City work.

These actions are in conflict with Parks Forestry and Recreation's Code of Conduct Policy:

"Toronto Parks, Forestry and Recreation promotes a safe, welcoming, positive, inclusive environment where people are valued and respected. Staff, volunteers, participants and park and facility users are expected to be considerate, to respect people and their rights, and to show proper care and regard for City property and the property of others."

These actions are also in conflict of the City of Toronto's Human Rights and Anti-Harassment/Discrimination Policy.

"The City of Toronto will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance and inclusion. This includes refraining from discriminating and/or harassing City of Toronto employees, elected officials and persons acting on behalf of the City of Toronto. If such discrimination and/or harassment occur, the City of Toronto will take action to ensure a harassment/discrimination-free workplace, facility and service provision, including barring a harasser from its facilities, limiting services, discontinuing business and/or revoking contracts with consultants or contractors."

This Suspension Notice is issued pursuant to the City's common law powers as owner/occupier of the Premises and its powers under Chapter 608 of the *Toronto Municipal Code*, as applicable, and the enforcement mechanisms available under the *Trespass to Property Act*, R.S.O. 1990, c.T21 (the "*Act*"). This Suspension Notice may be enforced in accordance with the provisions of the *Act* or by any other legal means available to the City of Toronto. In the event that you do not adhere to the terms and conditions of this Suspension Notice, the Toronto Police Service may be contacted and requested to charge you under the *Act*.

Please note, Toronto Police Service also have a record of these incidents on file. If you enter any Parks, Forestry and Recreation program, facility, or property including all City parks or community centres during the time of your suspension, the police may be notified and you may be charged with trespassing.

When the period of your suspension is complete, please contact Peter White at (416) 392-8139 to arrange a meeting before returning to any Parks, Forestry and Recreation program, facility, or property. The purpose of the meeting is to review Parks, Forestry and Recreation's Code of Conduct Policy, outline expectations and next steps, and identify any supports that Parks, Forestry and Recreation may be able to provide to support your continued participation.

You may request to appeal this suspension by writing to my attention at the address above within 14 days of receiving this letter. Your request should include:

- a statement that you wish to have the suspension / ban reviewed;
- the reason you disagree with the suspension / ban; and
- your first and last name, address, and signature.

Please also indicate whether you will require:

- an interpreter and for which language and dialect;
- a sign language interpreter;
- wheelchair access; and/or
- any other accommodations.

Your request can be in a letter or you can complete the attached Suspension / Ban Request for Appeal Form. A meeting may be arranged to discuss the duration and extent of your suspension. The decision at this meeting is final and may not be further appealed.

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Appendix B

Selected Examples of State Violence in Toronto, 1981-2010

Incident	Date	Brief Description	Relationship to Houselessness
G20 Summit Protests, Arrests, and Police Violence	June 2010	Protesters who mobilized in downtown Toronto to protest against the G20 Summit in 2010 were met with police violence and arrests. Advocating for causes like anti-poverty and pro-environment, the protests leading up to the summit were peaceful until a small group of protestors set fire to some police cars. The police responded by using tear gas, pepper spray, rubber bullets, and excessive force. During this incident, the police encircled and kettled more than 1000 individuals, including journalists, passerbys, and peaceful protestors, and carried out mass arrests (Lindeman, 2020). Hundreds were left out in the rain. Over 1000 people were arrested (Seglins, 2012). Detainees were strip-searched in the makeshift detention center (Lindeman, 2020).	Indirect. However, kettling was a tactic used in 2020 as well, and protests against poverty may be interpreted to include advocacy for unhoused individuals as well.
Port Lands Tent City Eviction	September 24, 2002	125 unhoused people were evicted from land owned by Home Depot after an encampment that was tolerated for three years (Evans, 2021) was removed. Private security and Toronto police conducted the evictions.	Direct.
Queen's Park Riots	June 15, 2000	A peaceful protest against poverty, organized by John Clarke and the *Ontario Coalition Against Poverty* (OCAP) composed of 1,500 individuals was met with police violence at Queen's Park. There is video evidence of said police violence, including police kicking a protester, stepping on their necks, striking their heads, using batons, and pushing protestors onto the ground (Abbate, 2003).	Direct. OCAP advocates for housing for all and provides housing supports.
Squeegee Kids	1995 onwards	Youth washing vehicle windshields in downtown streets, or "squeegee kids," first appeared in Toronto in the summer of 1995 (Conradi, 2000, p.1). Although they posed minimal risk and mild nuisance to some, squeegee kids were criminalized by conservative politicians and media networks,	Direct. In the years 1994-2000, almost a third of homeless

		and their existence was framed in the context of law, order, and social values. Examples of state action against the squeegee kids include Ontario Premier Mike Harris ordering the Crime Control Commission to "make the regulation of squeegee kids a priority" (Conradi, 2000, p.2). Harris additionally made the "regulation" of squeegee kids a large component of his re-election campaign in 1999 (Conradi, 2000, p. 2). Additional state action included the enactment of the provincial *Safe Streets Act* in 1999, which banned squeegeeing and imposed fines of up to $1000 CAD, or six months in jail (Mackie, 1999).	youth living in Toronto were "squeegee kids" (Mann, 2014).
Yonge Street Uprising	May, 1992	Organized by the *Black Action Defense Committee*, this demonstration responsed to the murder of Raymond Lawrence, a 22-year old Black man, by Toronto Police officer Robert Rice, as well as the acquittal of officers involved in the beating of Rodney King in Los Angeles. Around 500 people gathered outside the United States Consulate in Toronto. Police used kettling and officers on horseback charged into demonstrators (Parris, 2017). 28 people were arrested and 30 people were charged with criminal offences, including theft, assault, and resisting arrest (Kyres, 2017).	Inapplicable. The Yonge Street uprising was a response to police violence, anti-Black racism, and white supremacy.
Toronto Bathhouse Raids	February 5, 1981	Four bathhouses in Toronto were raided by 200 police officers on February 5, 1981 in an operation named *Operation Soap*. Patrons of the Barracks, The Club, Richmond Street Health Emporium, and Roman II Health and Recreation Spa, presumed to be gay men, were subject to police brutality and verbal harassment during the raids. Almost 300 men were charged that night, which was at the time, the largest arrest in the city's history. The community mobilized in support - the next evening, over 3,000 individuals marched on Yonge and Wellesley against police violence. They were also met with police violence. This was not the first or last police raid of Queer spaces - more occured in 1978, 1981, 1983, 1996, and 2000 (Bradburn, 2013).	Inapplicable. The Bathhouse Raids were one incident in a long history of police violence against marginalized individuals and communities.

Appendix C

Table of Interview Participants

Anonymized Name	Role	Date Interviewed
Community Lawyer 1	Human rights and personal injuries lawyer	March 17, 2022
Community Lawyer 2	Housing and homelessness lawyer	April 14, 2022
Community Legal Worker 1	Tenant rights legal worker	April 14, 2022
Lawyer and Academic 1	Criminal, constitutional, Indigenous, and administrative law practice, sessional lecturer	May 11, 2022
Lawyer and Academic 2	Municipal law and governance, property law, associate professor	May 12, 2022
ESN 1	Outreach volunteer and advocate, Encampment Support Network (Parkdale)	March 31, 2022
ESN 2	Outreach volunteer and advocate, Encampment Support Network (Scadding Court)	April 3, 2022
ESN 3	Outreach volunteer and advocate, Encampment Support Network (Lakeshore)	April 10, 2022
ESN 4	Outreach volunteer and advocate, Encampment Support Network (Scadding Court)	May 10, 2022

(Re)visioning Narrative and Resisting Erasure: Exploratory Poems

Artist Statement

This series of poems dissects two municipal press statements about the encampment evictions in an exploratory and site-based process to complicate the City's narratives and to raise questions on erasure and public memory. I selected the poetic forms - erasure poetry and abecedarians - to intentionally rework the municipal press briefings, taking existing texts and altering them in some way to transform the meaning or effect of the text. The outcome is three erasure poems, each accompanied by a site-based intervention, and two abecedarians. This experience was a reminder of how procedural narrative formation is - of the intention and expertise that goes into crafting public press statements, why specific words and clauses are used, and to what ends.

Evidently, reading municipal documents was a large part of this project. As I was working through these documents, I was struck by the absurdity and incomprehensibility of it all - the insurmountable space between what is said and what is done. This was particularly troubling because the municipal press briefings were regurgitated in media articles, presented as unquestioned truth. In making these poems, I tried to both embrace and challenge that absurdity, hoping to elucidate the constructedness of narrative. For example, by erasing portions of press briefings, what remained of one was a text about fencing and costs, and what remained of another was an indication that the City's actions were guided by the interests of summer camps.

Searching for structure and familiarity while engaging with this difficult topic, I wrote abecedarians of two press briefings. Abecedarians are a form of poetry guided by alphabetical order, where the first line begins with the first letter of the alphabet, and each following line begins with the successive letter, until the alphabet is complete. What would appear if all the words in a press briefing were rearranged into this simple, familiar form? What patterns would emerge and diction choices become clear in the absence of grammar, sentence structure, and clauses? The text becomes a sort of ABCs of eviction.

Site-based interventions were important to this project, because encampment evictions were not placeless; residents were displaced from one place to another. After the erasure poems were complete, the blank spaces on the page invited further exploration. I was interested in removing the blank space, and did so for one poem that was based on the City's press release

after Trinity Bellwoods was evicted. Unexpectedly, what emerged mimicked the organizational charts outlined in the Bellwoods Operational Plan, charts that guided the specific operations and logistics of the eviction. I photographed the result on site at Trinity Bellwoods on a quiet morning, with the land peering through the words, and as I did so, mounted police strolled by.

I visited Lamport Stadium a year after the eviction in July 2022 to create a cyanotype on one of the erasure poems. Cyanotype is a camera-less alternative form of photography, using only chemicals and sunlight to produce images on paper, fabric, or other materials. It is an inherently land-based and site-specific process, affected by weather conditions and reliant on sunlight for exposure and water for fixing. Before heading to Lamport, I made a negative of a chain link fence, and treated the erasure poem I had printed with two chemicals, allowing it to dry in a dark place. On site, the exposure took around fifteen minutes. As the cyanotype reacted to the sun, I watched an image appear out of nothing, slowly and over time, and tuned in to the sounds and sights of the space around me. I watched pigeons gather on the roof of the bleachers and wondered if any of these pigeons had witnessed the encampment that had formed here, and the ensuing evictions. With people briskly walking from one end of this small patch of grass to the other, Lamport felt especially transient. People walking by looked at me (and the developing image) with suspicion rather than interest.

These situated poetic interventions encourage reflections on erasure, public memory, and the right to narrate. If the right to narrate is the right to exist (Bhabha, 2014), to be part of a city and its past, present, and future, then this reflection is all the more urgent and necessary.

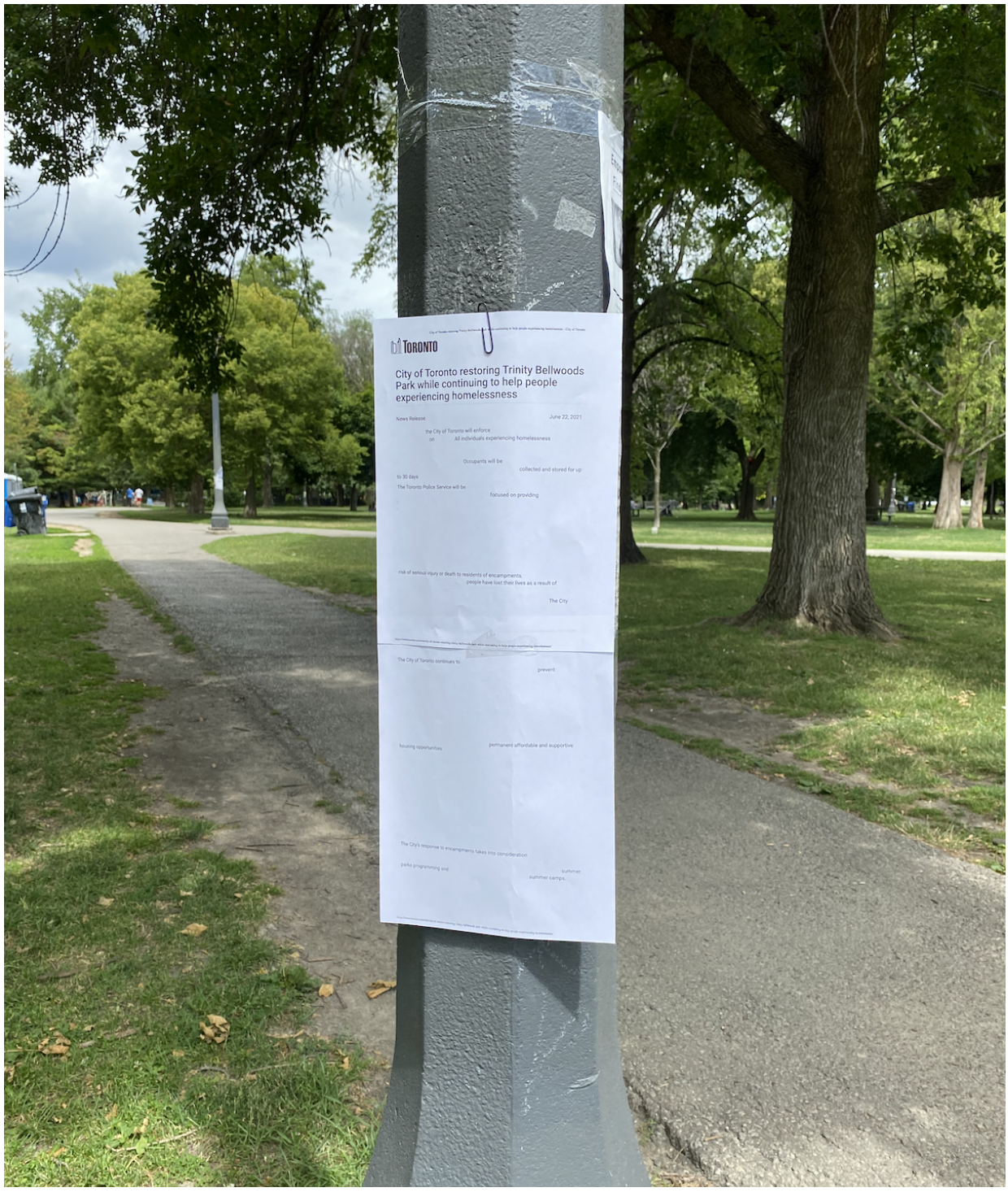


Figure 3. On-site intervention of the erasure poem below.

Trinity Bellwoods, one year post-eviction.

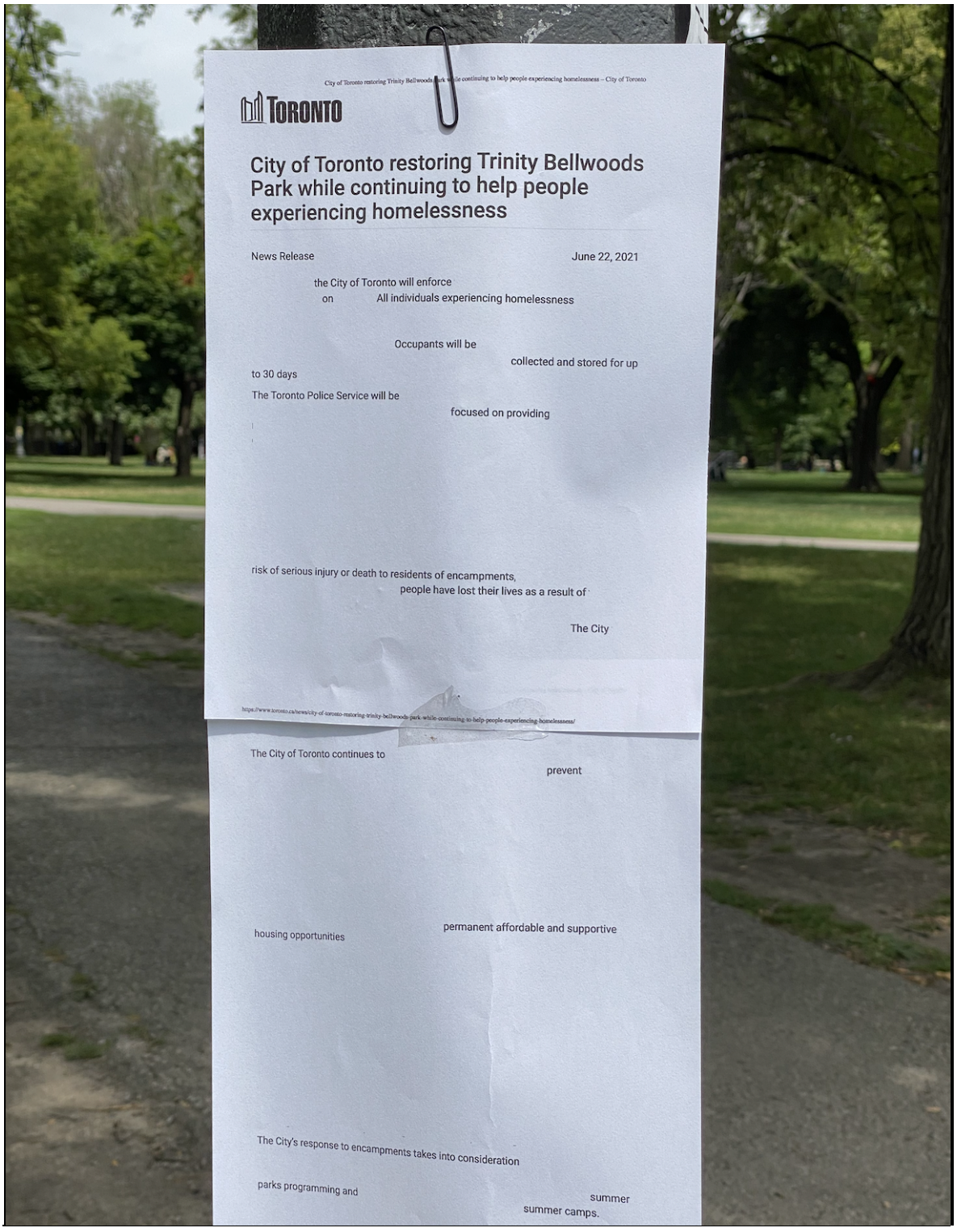


Figure 4. Close-up of on-site intervention of the erasure poem below.

Trinity Bellwoods, one year post-eviction.

City of Toronto restoring Trinity Bellwoods Park while continuing to help people experiencing homelessness

News Release June 22, 2021

the City of Toronto will enforce
on All individuals experiencing homelessness

Occupants will be
collected and stored for up
to 30 days

The Toronto Police Service will be
focused on providing

risk of serious injury or death to residents of encampments,
people have lost their lives as a result of

The City

The City of Toronto continues to

prevent

permanent affordable and supportive

housing opportunities

The City's response to encampments takes into consideration

summer

parks programming and summer camps.

Figures 5, 6, 7. Erasure Poem 1, Trinity Bellwoods.

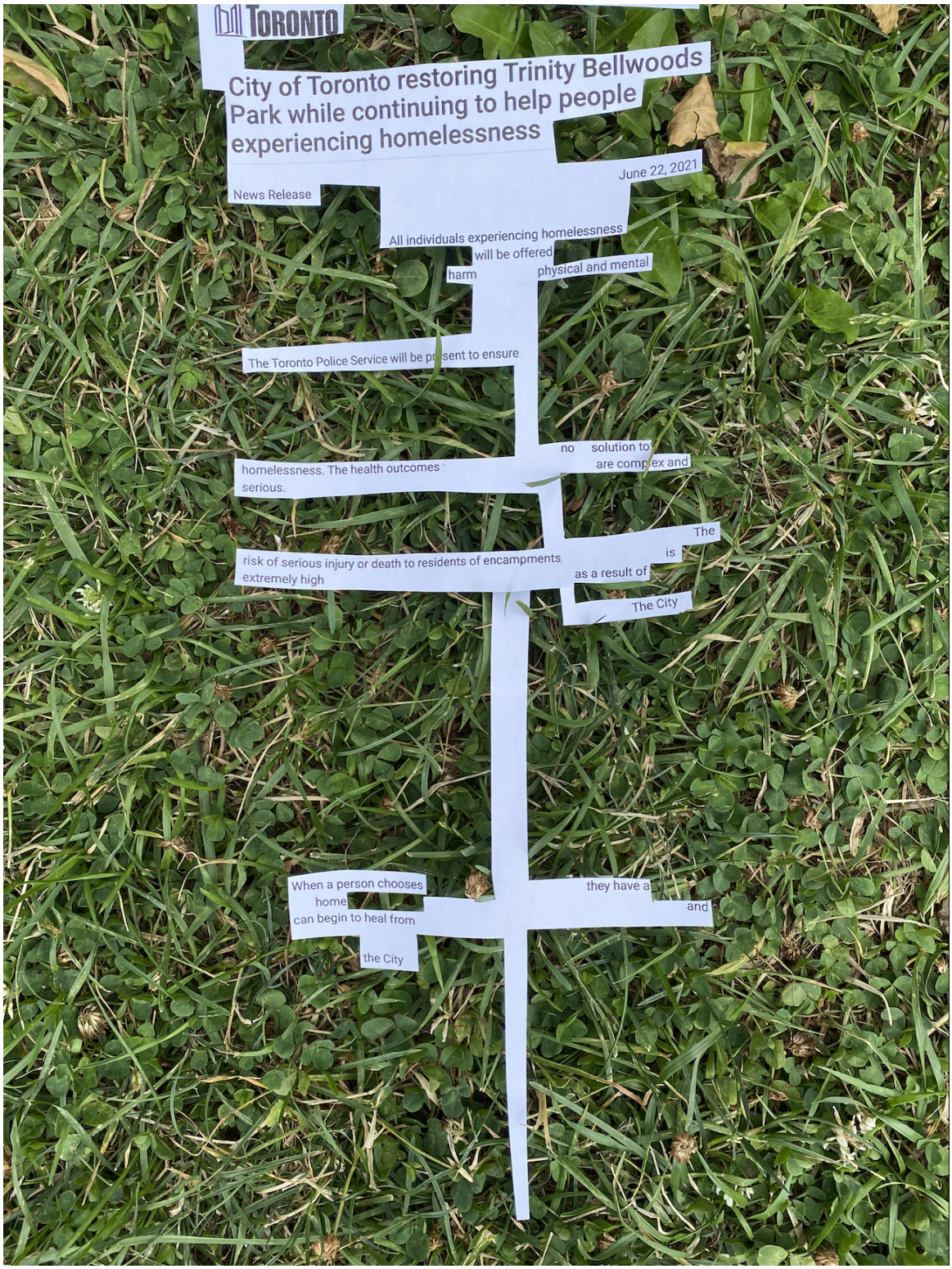


Figure 8. On-site intervention of erasure poem below.

Trinity Bellwoods, one year post-eviction.

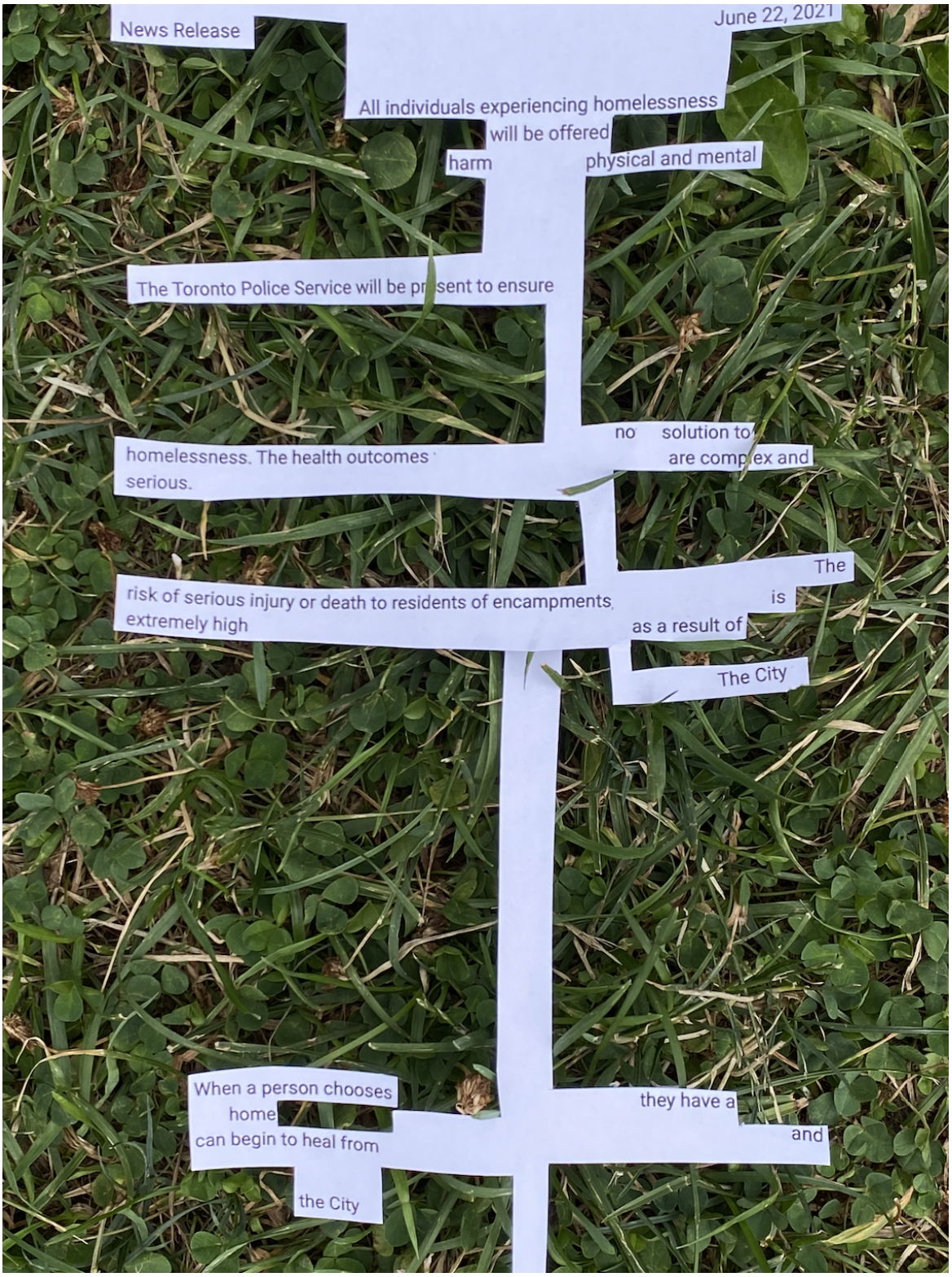


Figure 9. Close-up of on-site intervention of erasure poem below.

Trinity Bellwoods, one year post-eviction.

TORONTO

City of Toronto restoring Trinity Bellwoods Park while continuing to help people experiencing homelessness

News Release June 22, 2021

All individuals experiencing homelessness will be offered harm physical and mental

The Toronto Police Service will be present to ensure

no solution to homelessness. The health outcomes are complex and serious.

The risk of serious injury or death to residents of encampments is extremely high as a result of

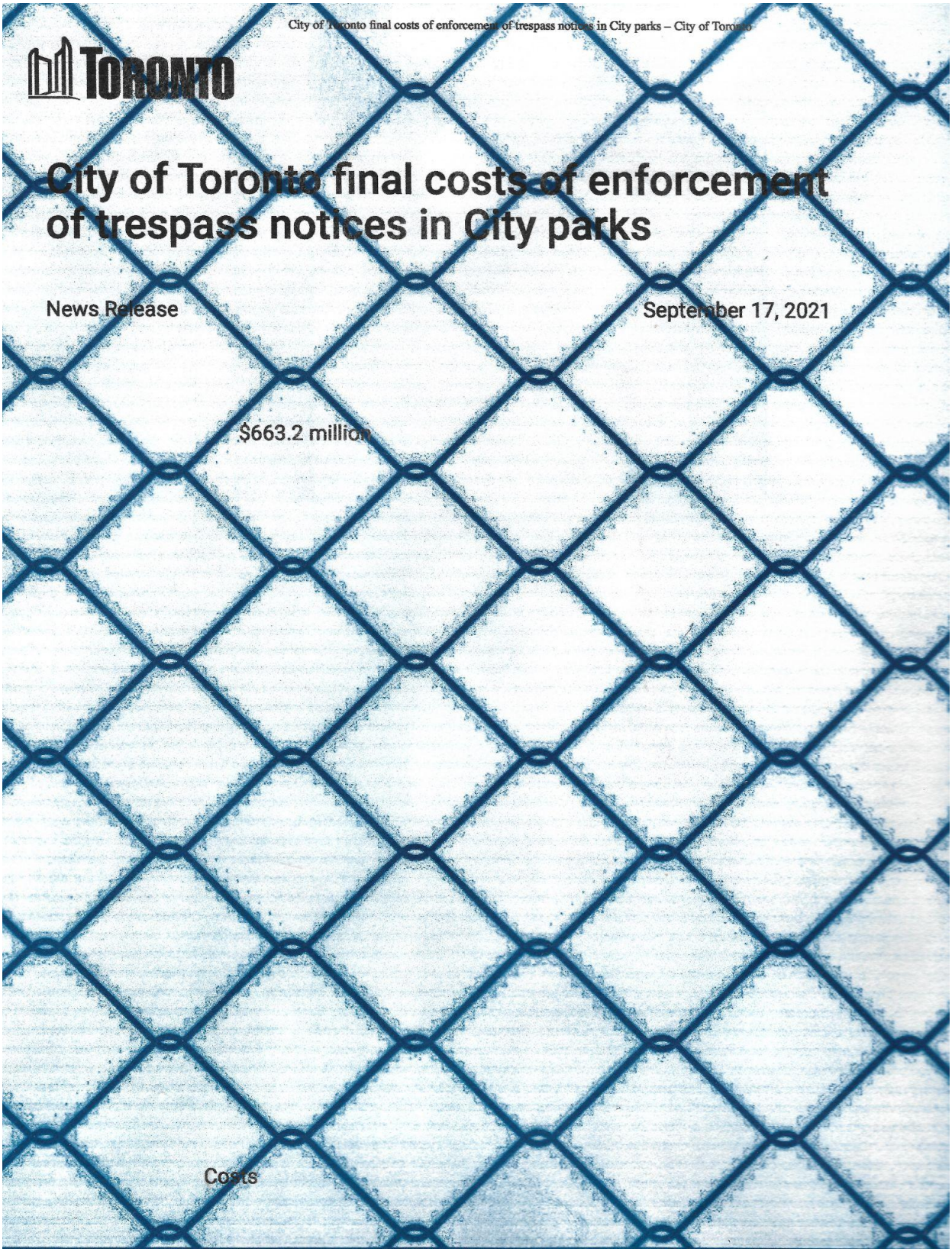
The City

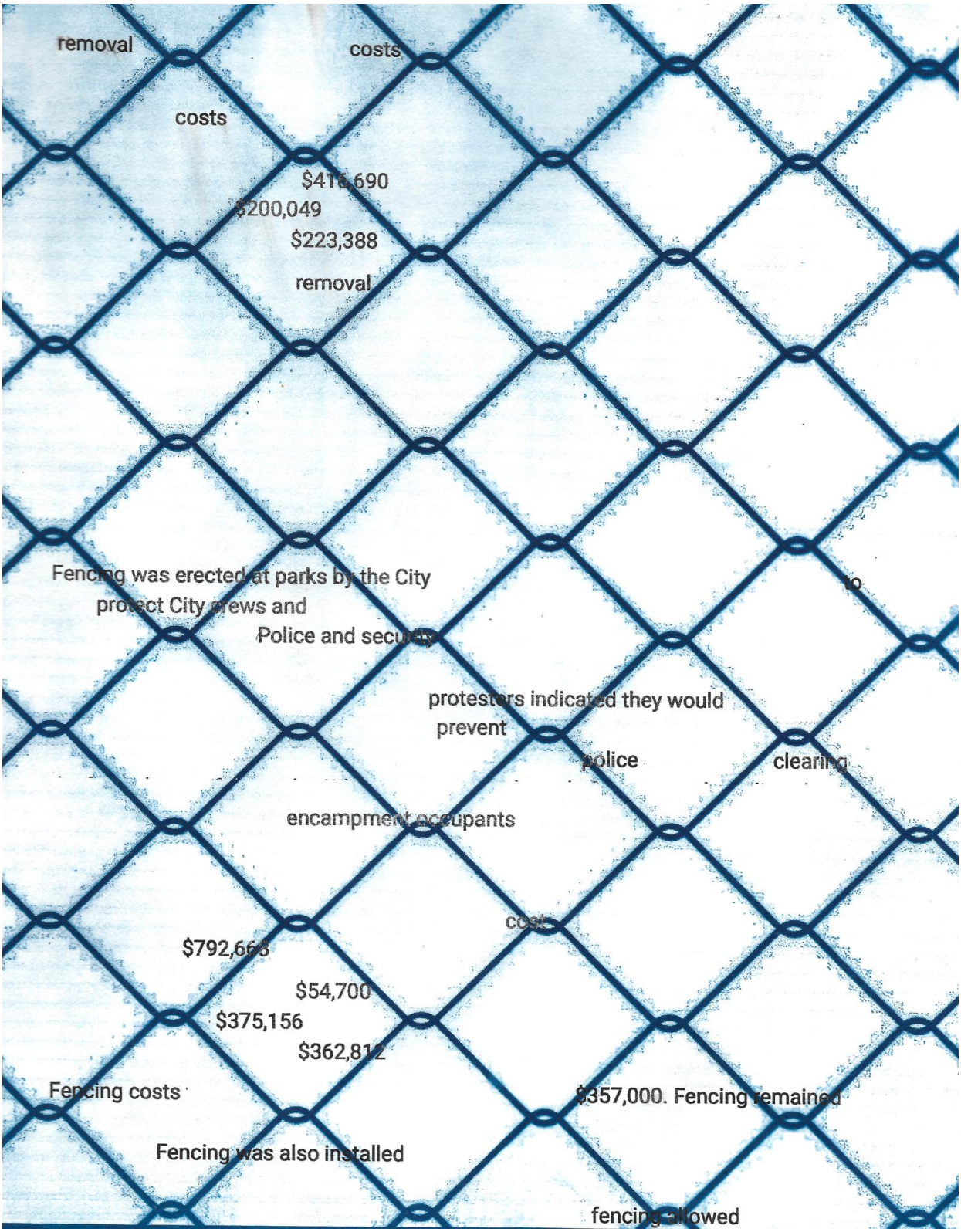
Figures 10, 11. Erasure Poem 2, Trinity Bellwoods.

Figure 12. On-site process of cyanotype erasure poem below.

Lamport Stadium, one year post-eviction.

*For accessibility, a version of this poem without the cyanotype exposed on top is presented following it.




removal
costs
costs
$416,690
$200,049
$223,388
removal
Fencing was erected at parks by the City
protect City crews and
Police and security
to
protesters indicated they would
prevent
police
clearing
encampment occupants
cost
$792,668
$54,700
$375,156
$362,812
Fencing costs
$357,000. Fencing remained
Fencing was also installed
fencing allowed

Figures 13, 14, 15. Cyanotype erasure poem on fencing and costs of eviction. Exposed at Lamport Stadium, one year post-eviction.

City of Toronto final costs of enforcement of trespass notices in City parks

News Release September 17, 2021

$663.2 million

Costs

removal costs

costs

$416,690
$200,049
$223,388

removal

Fencing was erected at parks by the City to protect City crews and Police and security

protesters indicated they would prevent police clearing

encampment occupants

cost

$792,668

$54,700
$375,156
$362,812

Fencing costs $357,000. Fencing remained

Fencing was also installed

fencing allowed

fencing

progressed.

fencing

people experiencing homelessness from

permanent housing

Figures 16, 17, 18. Erasure Poem 3.

Abecedarians: ABCs of Eviction

"City of Toronto final costs of enforcement of trespass notices in City parks"

Address, against, amount, all, access, Alexandra, associated, allow, area, action, aeration, applications, affordable
Basis
City, continuing, COVID-19, cleared, costs, contravene, children, community, chapters, code, contracted, contaminated, crews, connections
Double, day, dry, debris, development, diversity
Encampments, enforcement, extensive, engagement, erected, ensure, estimate
First, final, fire, fencing, fertilizer, freshly, footprint, fall, food
Garden, grass, grounds, general, growth, germinating
Homelessness, housing, help, health, hand
Investing, indoor, illegal, issued, intimidation, integrity, inspection, installed, initial
July
K
Lamport, laundry, landscaping, least, livable
Million, move, municipal, management, metric, meals, medical
Notice
Occupants, outcomes, opportunity
Protected, parks, public, period, pad, pool, permits, private, protestors, police, perimeter, preventing, permanent, pandemic, planning, pipeline
Q
Residents, referred, removed, released, right, request, remained, remediate, repair, rapid, rehousing, rental, risks
Safe, solution, spent, staff, structures, security, summer, splash, skateboard, sport, several, solid, services, soil, sand, social, supports, seed, shelter, system
Toronto, tents, trespass, Trinity, tonnes, threats, trees, traffic
Unsafe, unhealthy, uncontrolled, unprecedented, use
Vulnerable
Waste, worker, warm, washrooms
X
Y
Z

“City of Toronto restoring Trinity Bellwoods Park while continuing to help people experiencing homelessness”

All, affordable, accessible, assist
Belongings, Bellwoods, bylaws
Contravene, control, chapters, City, consideration, community, code, complex
Development, damage
Encampments, ensure, events,
Future, focused, food
Greater, green
Help, human, health, homelessness, high, homes, harm, housing
Individuals, indoor, infection, interdivisional
June
Key
Leading, livable, largest, laundry
Morning, municipal, must, many, Moss, more, makeshift, measures, modular, medicine, move, media
Not, nine, network, necessities, notices
Occupants, outlined, outdoors, outcomes, opportunities, outside
Park, physical, pack, pickup, police, present, peaceful, people, protect, pipeline, partnership, pandemic, provide, program, permanently, pilot, permitting
Q
Remains, referrals, report, risk, result, residents, rapid, rental, recreation, requirements, reduction, response
Safe, space, service, sleeping, serious, staying, shelter, supports, sites, social, supportive, strengthen, structures, seven
Toronto, trespass, Trinity, take, tents, testing
U
Voluntary, vaccination, visit
Wellbeing, with, workers, week, willing, warm, washrooms
X
Year

Visions of Governance, Citizenship, and Order: A Discourse Analysis of Toronto's Encampment Evictions

Introduction

Given the violent, public, and visible nature of the encampment evictions that occurred in June and July 2021, they garnered widespread media attention locally and globally. In an effort to control the narrative amidst a plethora of eyewitnesses, citizen reporting and a disastrous public relations crisis, the City issued several press briefings on each eviction, prior to and after the event, utilizing the same words and phrases repeatedly. Mainstream media sources often cited these press releases as uncontested truths and offered analyses of their own. Enmeshed with discourses of governance, citizenship, and order, the language used by mainstream media and municipal press briefings raises questions about the kinds of narratives constructed and what these narratives imply about urban citizenship and the reconfiguration of governance in public space. In the context of overlapping crises, including the housing crisis and the COVID-19 pandemic, the version of reality that these narratives construct is especially important, functioning to justify the evictions, minimize state violence, and legitimate state action, as well as shape general public opinion on unhoused people and the City's governance of them. In an antiparallel corollary, counter-narratives evident in activist statements and citizen journalism reveal what is erased by dominant hegemonic narratives.

Relying on Norman Fairclough's critical discourse analysis approach (1992, 2003, 2010) and Stuart Hall's (1973) theory of media encoding/decoding, this discourse analysis comprises 60 media articles and 12 municipal press statements in its exploration of dominant narratives. Media articles are analyzed as media plays a role in constituting hegemony - language is foundational to the power of institutions and media discourses perpetuate social relationships (Hall, 1973). City of Toronto Press Statements relating to encampment evictions at Trinity Bellwoods, Lamport Stadium, and Alexandra Park are included in this analysis as they are the most direct indication of how the City wishes to be perceived, and are often cited in media articles as undisputed tellings of reality. As the encampment evictions were so visible and widely publicized, the construction of the political spectacle (Edelman, 1988) is of crucial interest.

Counter-narratives are identified from Encampment Support Network (ESN) public statements,[17] internal municipal documents pertaining to the planning of and communications surrounding the encampment evictions,[18] and advocates' analyses of these documents (Withers & Hatlem, 2022; Withers & Tsang, 2022). Because both press statements and internal documents are incorporated into this analysis, the City's public and private narratives surrounding the evictions become evident.

Narratives, Counter-Narratives, and the Construction of Meaning

Examining the language used by the state and media and determining the narratives being constructed is necessary because narratives create meaning, offering versions of reality. Rather than being natural or neutral, narratives are forms of representation that shape interests (Derrida, 1976, 1981; Foucault 1980, 1984). These interests are inextricably linked to systems of power and domination. If language is power, constructing worlds and worldviews, then violence exists not only in physical violence and coercion, but in ways of speaking, thinking, classifying, and seeing.

Narrative creation is inherently political and differentiated - who is afforded the privilege of narration and who is not, and how does this right to narrate (Bhabha, 2014) justify dominant systems of power and domination? It is well established that narrative is a central component of state-building (Graef and da Silva, 2019; Shenhav, 2015; Brand, 2014; Erskine-Loftus et al, 2016). States rely on narratives of origin, of exception, and of future vision to persuade and pacify denizens in complying with elite values. Because narratives are inherent to nation-building, they define the necessarily exclusionary notions of national identity, determining who does and does not belong.

Antiparallel to dominant narratives are counter-narratives, which are critical devices that unveil what is hidden in mainstream hegemonic narratives. Identifying, documenting, and giving space to counter-narratives enables us to reconfigure histories and apprehend our understandings of cities in a more nuanced way, centering the voices of those neglected, erased, or otherwise censored (Montuori, 2021). Giving space to counter-narratives is one step in the contribution to a counter-archive. In their writing on counter-archiving, Haritaworn et al (2018) express that the

[17] See ESN Public Statements here.
[18] See all internal municipal documents acquired through FOI here.

practice "lead[s] us to different pasts, but also presents and futures" (p. 6). When we "remember differently," we "do not let go of the past" or "belittle our desire to survive, and our demand for a better future" (Haritaworn et al, 2018, p.8). In the organization of this discourse analysis, counter-narratives are presented first to unsettle the dominance of hegemonic narratives.

The Mobilization of Narratives of Houselessness in Toronto

In a city like Toronto, where municipal governance is entangled with media interests given Mayor Tory's historical and ongoing relationship with Rogers Communications, attention to narratives becomes particularly urgent. Tory is a shareholder and advisor of the Rogers Control Trust Advisory Committee, earning $100,000 annually from the position, and is currently under investigation by the integrity commissioner for these ties (CBC News, 2022). To put it simply, the concerns and values of housing justice movements are in contradiction with those of elites in politics and media, who shape dominant narratives that then influence public perception (Iyengar & Kinder, 2010).

Identifying the narratives used to justify the evictions and analyzing what they imply about differentiated citizenships and access to public space is particularly important as these narratives shape the broader public perception on houselessness. Because most housed individuals have little meaningful interaction with unhoused people, media framing of houselessness and unhoused people is especially influential and fundamental to shaping public perception and attitudes. Houselessness and unhoused people are portrayed negatively in media representations, with rhetoric focused on criminalizing unhoused people and individualizing a systemic issue.[19] This tendentious coverage has detrimental material consequences, influencing ineffective public policy and validating violence against unhoused people (National Coalition for the Homeless, 2012). As I completed this discourse analysis, a man shot at least four unhoused people in Langley, BC, killing two, over the course of six hours (Blady, 2022). Blatant violence is the logical end of violent policies and violent narratives.

Dominant narratives of houselessness also serve to divide the working class, representing unhoused people as somehow outside the working class, and creating barriers to anti-poverty and economic justice movements and solidarity-building more generally. However, it's worth noting

[19] For broad analyses of media representations of houseless people in Canada, see Schneider et al (2010), Calder et al (2011), and Robson (2005).

that because narratives constructed in media are so fundamental to determining worldviews, counter-narratives can be mobilized to effect social change (Hackett & Zhao, 1998).

Illegal, Unsafe, and Unhealthy: The City's Public Narrative

The City's most public and explicit narrative that is mobilized to justify the evictions is that encampments are *illegal, unsafe,* and *unhealthy*. These terms are not neutral. Mobilizing discourses of risk and safety and sub-narratives relating to criminalization and fear, the stigmatization of drug use and mental illness, and public health, waste, and environmental narratives, this framing advances exclusionary ideas surrounding urban citizenship and access to public space. However, the claim that encampments (as manifestations of informal housing) are illegal, unsafe, and unhealthy is well-established in environmental urbanization and urban citizenship literature from the Global South. Instead of focusing on this apparent (yet still impactful) narrative, this discourse analysis uncovers narratives that go beyond it, identifying more implicit and latent notions.

Because it is the City's overarching public narrative, it is important to briefly note what the assertion that encampments are illegal, unsafe, and unhealthy implies, and how it is situated within a broader typical narrative surrounding houselessness and informal housing. The narrative serves to justify the violent evictions by claiming that encampment residents acted in ways that threatened public safety and caused risk, and suggests that encampment residents themselves are a threat to perceived notions of safety, inevitably relating to constructions of citizenship.

Numerous comments on safety, crime, fear, and legality were made in media articles (Toronto Star Editorial Board, 2021; Gibson & Pagliaro, 2021; Gibson, 2021b; Murray, 2021; Levy, 2021; Globe and Mail Editorial Board, 2021; Zivo, 2021b), and almost all press briefings analyzed included mentions of safety. These comments beg the question: security from what, and for whom? Who is in actual danger, and who (or what) is kept safe by the encampment evictions?[20]

Some articles (DiManno, 2021; Levy, 2021; Zivo, 2021a) are explicit in their pathologization of unhoused people in the context of substance and mental illness, and the municipal press briefing after the Trinity Bellwoods explicitly states that "thousands of discarded needles were collected" (City of Toronto, 2021e). These limited understandings of drug use and

[20] See Kern (2010), Dassé (2019), and Sjoberg and Nygren (2020) for explorations of notions of safety in cities.

mental illness are central to mainstream constructions of houselessness which pathologize unhoused people (Dej, 2020) by individualizing, depoliticizing, and ahistoricizing a structural issue. The narratives are then used to make "moral and political judgments" (Dej, 2020, p. 3) about who is deserving of support and services, and housing policy becomes a way to methodically manage those deemed deviant.

The third and final component of the narrative that encampments are illegal, unsafe, and unhealthy, is the mobilization of public health, waste, and environmental narratives, including contagion metaphors to assert that the City has to evict encampments for health and safety reasons. These narratives are mobilized to produce a city whose aesthetics are aligned with neoliberal visions of who the city belongs to. Rooted in colonial logics of spatial governance, notions of nuisance and disease always rely on aesthetics, race, and class biases and call for "containment" (Sharan, 2006, p. 4907 as cited in Bhan, 2012, p.32.) The pandemic context and the containment inherent to it is particularly notable because in states of exception, modes of governance shift, states of emergency may be imposed, and states transcend established rules and laws (in the name of the greater "public" good) (Agamben, 2005; Mbembe, 2019). Moreover, aestheticized and environmental representations of informal housing settlements function to exclude them from understandings of public order and thus legitimate evictions.[21] Comments on sanitation, public health, and the environment (Levy, 2021; Zivo 2021a) ranged in severity. DiManno (2021) names encampments "long-festering…urban blights" and "shanty towns" that are "barnacled" across the city. Mentions of the amount of "debris" collected and the apparent concern for trees and grass in parks were found in almost all press briefings published after each eviction. Notions surrounding waste, public health, and the environment are used to contribute to the narrative that encampments are unhealthy and unsafe, and are embedded in neoliberal visions of urban aesthetics.

The Mobilization of Discourses of Citizenship, Order, and Governance

This paper utilizes discourse analysis to explore how the encampment evictions were represented in mainstream media and municipal press briefings and to reveal implications for public discourses of houselessness, urban citizenship, and public space. The investigative questions include: what narratives does the language used in mainstream media articles and

[21] See Roy (2004), Bhan (2009), Ghertner (2010), Speer (2017) and Baviskar (2019).

municipal press briefings construct about the encampment evictions? What do these narratives imply about urban citizenship and the reconfiguration of governance in public space? What counter-narratives can be identified, and what do they reveal that has been erased by homogenizing mainstream narratives?

The findings display that the narratives constructed by mainstream media and the City surrounding the encampment evictions serve to justify displacement and minimize state violence, while constructing unhoused people as the undeserving other. More specifically, discourses of governance are mobilized to establish the City as a compassionate yet firm actor, ambiguate and obfuscate responsibility for the evictions, and frame eviction as a last resort. Discourses of citizenship and order are used to create binaries that designate who is considered a part of "community" and who is excluded, designating encampment residents as non-citizens and framing the encampment evictions as a return to order. These narratives reinforce and co-constitute one another.

The discourse analysis begins with a counter-narratives section, centering advocate voices. Then, dominant narratives surrounding governance, citizenship, and order are identified. The final section is a concluding discussion.

Methodology

This discourse analysis undertook a qualitative approach, relying on a critical discourse framework (Fairclough, 1992, 2003, 2010). Qualitative approaches focus on capturing "definitions, meanings, processes, and types" (Altheide and Schneider, 2013, p. 7).

To begin the analysis, I developed search terms, which were "encampment evictions" and "encampment," and a time frame from June 2021-January 2022 was set. At first, I selected ten news sources across the political spectrum. The political leaning of each source was determined using an interactive media bias chart developed by Ad Fontes Media, as well as my own analyses of where the sources stand on issues of labour and economics. Mainstream Canadian media leans to the right of the political spectrum (Loreto & Stewart, 2017), and it was a challenge to find left-leaning news outlets with readership levels comparable to other media sources. Once I identified relevant articles from all ten sources, the number of articles compiled exceeded the number possible for a feasible analysis, so I limited the number of news sources to five. The sources represented in this analysis are NOW Toronto (left), Toronto Star (centre left), Globe and Mail

(centre), National Post (centre-right), and Toronto Sun (right). The decision to exclude particular sources was multi-faceted. Beyond the infeasibility, I chose not to give voice to the extreme right views portrayed in some sources, such as Rebel News.

Similarly, all City of Toronto News Releases on encampments and encampment evictions from June 2021 to January 2022 were collected through a search of the City of Toronto's "searchable list of City news releases, media advisories, backgrounders & fact sheets." A total of 17 were found, and 12 were selected for the analysis as they directly addressed the evictions.

After the articles and press briefings were finalized, I created a protocol, which is a way to "ask questions of a document" (Altheide & Schneider, p. 7, 2013) that guided the data collection process. Macnamara (2005) identifies some elements associated with qualitative media analysis (p.17). Some key elements I focused on include the adjectives used in descriptions of encampment residents and evictions (whether they are positive or negative), whether verbs relating to police violence were passive or active, qualities of tone (for example, sarcastic, emotional, careless), binaries developed in the text and how they are positioned, as well as any visual imagery in the text. The coding process was inductive, meaning I began with the data I had collected and identified codes and themes.

After a preliminary round of open coding, the data was thematically coded using Charmaz's (2000) approach to qualitative textual analysis which allows researchers to look for prominent concepts and patterns that help explain authors' perceptions in an open-ended way.

In my analysis, I focused on what Wodak and Meyer (2009) define as the "opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language" (p.2). As Fairclough et al (2004) write, people "represent their ways of acting and organizing, and produce imaginary projections of new or alternative ways, in particular discourses" (p.2). Because language and power have a recursive relationship, the way that actions, including the decisions to evict encampment residents and the actual encampment elections are represented through language is crucially relevant.

As I analyzed the data, I identified framing tactics, which are how a topic is presented, and how that encourages the reader to make sense of the social world in a given spatio-temporal moment (Baran & Davis, 2008). Frames are constituted by what they include and what they omit (Entman, 1993). I also identified the logics, logical fallacies, and argumentative strategies utilized in the texts, as per Hansson's (2015) framework.

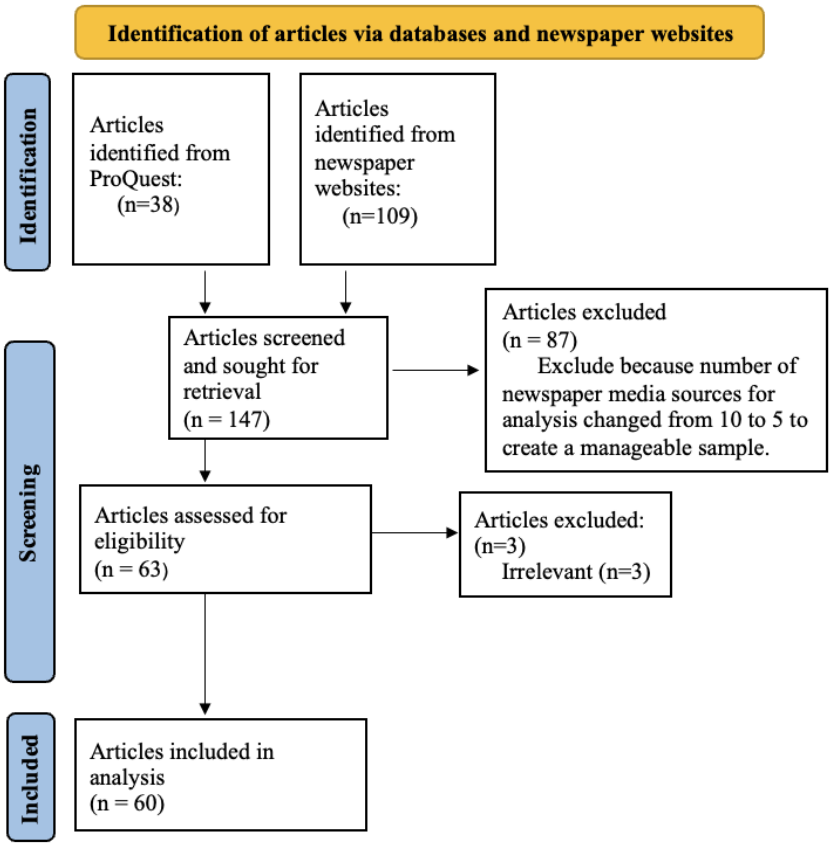


Figure 19. Sampling Flow Chart by author adapted from www.prisma-statement.org/.

Counter-Narratives

To juxtapose the dominant narratives constructed by the City that will be discussed in this discourse analysis, it is necessary to first establish an account of the encampment evictions from firsthand reports and internal municipal documents and emails. These counter-narratives reveal what has been erased by homogenizing narratives, center activist voices, and offer insights into differentiated access to urban citizenship and changing modes of urban governance prior to and during the encampment evictions.

Witness reports, as well as testimonies and internal municipal documents acquired through Freedom of Information (FOI) requests submitted by Fact Check Toronto, a group co-created by A.J. Withers and Melissa Goldstein, display that the evictions were meticulously premeditated and planned, that the City surveilled encampment residents and exaggerated fire risks leading up to evictions, and that the City spread blatant disinformation about the evictions. Many of the FOI-acquired documents that have been made available to the public pertain to the

Trinity Bellwoods eviction, so much of the specifics are derived from City of Toronto Operational Plan Trinity Bellwoods Encampment June 22-23, 2021.

Premeditated and Planned

Although the City claimed otherwise (implicitly or explicitly), the encampment evictions were premeditated and planned months in advance. The evictions required a high degree of coordination across divisions and offices in the city.

Involvement and Coordination Across City Bodies

Despite attempts to ambiguate responsibility (see pg.26), high-ranking bureaucrats and police officers as well staff in other divisions were involved in devising the eviction plans. In fact, eviction planning once Major Tory began to "ask questions" in the first week of 2021, as seen in an email from Tory's Deputy Chief of Staff to Tracey Cook, Deputy City Manager and Edward Birnbaum, the Director of Legislative Affairs at the Mayor's Office (Withers & Hatlem, 2022). This means the City spent around six months forming their tactics and organizing the evictions. In opposition to claims made by both police and the City that the two had not coordinated during or prior to the evictions, internal documents make it abundantly clear that they did. One example is a conflict about the use of fencing between Toronto Corporate Security and Toronto police [22] (Withers & Hatlem, 2022).

What is especially notable about the Trinity Bellwoods Operational Plan is its meticulousness and attention to detail, implying a high degree of planning and organization. Its specificity goes so far as to assign parking spots for staff (Office of Emergency Management, 2021, p.56) and identify when and where staff would eat lunch (Office of Emergency Management, 2021, p.48).

Disregarding Alternatives and Bad-Faith Negotiations

Another element that activist testimonies elucidate is that the evictions were not executed as a last resort, after the City had exhausted all other options. Several alternative encampment responses were presented to Council and the Mayor's Office, including some by councillors

[22] See the email exchange here: https://factchecktoronto.files.wordpress.com/2022/06/1-dwayne.pdf.

themselves, such as Councillor Matlow (Withers & Hatlem, 2022). Other alternative plans include one proposed by Former United Nations Special Rapporteur on Housing, Leilani Farha,[23] and another by the Toronto Drop-In Network.[24] Instead of adopting a human rights approach offered by the aforementioned plans, the Mayor, Toronto Police, and high-ranking municipal bureaucrats "chose a plan that involved armed officers, horses, semi-permanent fencing, direct conflict with advocates, drones and other forms of surveillance" (Withers & Hatlem, 2022). Also, another indicator the City had not exhausted all alternate outcomes is evident in the fact that the City negotiated with advocates in bad faith while the eviction plans were in development. The City initiated a roundtable with housing advocates in December 2020 to work towards a solution. The City did not invite encampment residents to these talks until February 2021, but talks broke down after the City filed an injunction against Tiny Shelters carpenter Khaleel Seivwright without informing advocates it would do so (Casey, 2022).

Denying Press Access

The formation of a media exclusion zone is additional evidence for a meticulously planned attack - and a blatant attempt at obscuring the facts and preventing those present to bear witness and document the City's violence. The City limited journalists' access to evictions (ESN, 2021a) and attacked and arrested journalists and legal observers at the evictions. The fenced areas on-site were so large that "journalists could not see the City and police actions inside many areas, making it impossible to witness and report effectively from the outside" (ESN, 2021b). Journalists who attempted to either enter the fenced areas or stay within it, such as Chris Young at Alexandra Park and Ian Willms at Trinity Bellwoods were detained and forcibly removed from the parks (ESN, 2021b, p. 2; Canadian Association of Journalists, 2021). At Alexandra Park, three legal observers were arrested, and journalists were prohibited from entering the fenced area (ESN, 2021b, p.1). These restrictions led to a statement from the Canadian Association of Journalists, condemning the police for preventing five journalists from accessing fenced areas of Trinity Bellwoods and arresting one photojournalist (2021).

[23] See "A National Protocol for Homeless Encampments in Canada" here.
[24] See "A Path Forward" here.

Preparing to Evict: Fire Risks and Surveillance

Exaggerated Fire Risk

A primary component of the aforementioned municipal narrative that encampments are "illegal, unsafe, unhealthy," was fire risk/ The City repeatedly cited the risk of fires and fire-related injuries throughout the winter leading up to the evictions, and in press briefings issued the morning of each eviction (City of Toronto, 2021d; 2021f; 2021h). However, these risks were highly exaggerated, and communicated in an unclear way. The City constantly said that Toronto Fire Services had responded to 253 fires in encampments in 2020, but only 132 were considered "uncontrolled fires," none of which caused injuries or damage to property (FactCheckToronto, 2021). The rest, which were considered controlled fires, include cooking, hosting sacred Indigenous fires, having controlled campfires, or using BBQs (FactCheckToronto, 2021). Some were not fire events at all - they were "pre-fire alarm conditions" or "fire alarms" (Withers & Tsang, 2022). Also, as Evans (2021) points out, residential fires in all areas of the city rose 17% in 2020, and many homes are constructed of the same materials as tiny shelters (p. 56). In addition, the manufacture specifications and installation instructions that are affixed to tents in encampments absolve the City of any liability if a fire were to occur (Evans, 2021, p.54).

Privacy Concerns and Surveillance

Internal documents retrieved through FOIs display that the City expended much resources on surveillance of encampment residents, especially at Trinity Bellwoods. In addition to aerial maps with the locations of tents and structures, the City compiled a dossier on each person living in the park, including their names, photos of tents, perceived behaviour and predictions on how they would react to the eviction (Casey, 2022). Some even included photos of the residents. This information was gathered nonconsensually, raising privacy and safety concerns for unhoused residents. Despite the amount of information gathered about each resident, including specifics including indications as to whether they would leave when told to, would require more time to pack, or would be especially responsive to police, the City did not offer corresponding accommodations or strive to meet individual needs. Instead, the information was used "against the residences and their interests" (Withers & Hatlem, 2022).

On-Site Deception During Evictions

In addition to the above, many of the claims made by police and the City during the evictions have been contested by activists and witness reports.

No Encampments, No Shelters, No Housing

The first is the notion that all encampment residents had been offered (or had refused) shelter space or housing offers. No permanent housing offers were made in Lamport (ESN, 2021a) or Alexandra Park (ESN, 2021b) and one permanent housing offer was made in Trinity Bellwoods (Lam, 2021). At Lamport, the procedures for encampment residents to access shelter space or hotels were convoluted and unclear[25] (ESN, 2021c). At Alexandra Park, City staff said they would not have information on shelter space availability until thirty minutes before residents were expected to leave the park (ESN, 2021b, p.2). Many residents who were reassured they had secured shelter space were denied access to those spaces when they arrived, and a housing worker that had built relationships with some residents was denied entry to the encampment by city security (ESN, 2021b, p.2-3). Similarly, at Trinity Bellwoods, out of the 266 people the City deployed, only one was a Streets to Homes worker (Withers & Hatlem, 2022).

Initiating Violence

The second claim is that "protestors" had initiated the violence (see pg.28). In actuality, at Trinity Bellwoods, police on foot, bike, horseback, and paramilitary uniforms appeared at 4AM, prior to ESN issuing a call for support (ESN, 2021d). The police present at Bellwoods far outnumbered the designations made in internal city emails which outlined that there would be one police officer for every five security guards, of which 174 were contracted. There were many more police officers than the 35 designated in the plan (Withers & Hatlem, 2022). Despite encampment residents in a part of the park entitled Bruce Lee City emphasizing they wanted "peace, nonviolence, and time to make their own arrangements and gather the last of their possessions," over fifty officers descended on these residents, assaulting and arresting two of them, in addition to a supporter and a photojournalist (ESN, 2021d, p.2). In the other main encampment in Bellwoods, south park, some residents had asked ESN to stand their ground, and

[25] See details here: https://drive.google.com/file/d/1-LJBL3oF4HrvOVu66helX3EsisgW02nJ/view

police were held off for ten hours. Police then told ESN police-liaisons that they would not move onto south park if supporters left (which they did), but an hour later, police descended, making arrests and separating residents from their belongings (ESN, 2021d, p.3). In that incident, police trampled a sacred Indigenous fire the City knew was sacred, and pepper-sprayed those protecting it (Withers and Hatlem, 2022). In Alexandra Park, despite ESN issuing a statement saying residents only wanted safe passage to leave the park, the same militarized tactic was followed, utilizing police horses, bike cops, armed officers, police cars, and fencing. Eleven people were arrested (ESN, 2021b).

Figure 20. The former site of the "Bruce Lee City" encampment in Trinity Bellwoods in October 2021, with wall writing saying "Bruce Lee City forever." Photo by author.

The City also denied its use of violence, particularly the use of pepper spray, which the Deputy City Manager denied in an email to councillors and then corrected herself.[26] Police at Lamport punched, kicked, clubbed, and pepper sprayed residents and supporters (ESN, 2021a, p. 1).

[26] See email exchange here: https://factchecktoronto.files.wordpress.com/2022/06/5-cook-to-councillors.pdf

Figure 21. Lamport Stadium, a year after eviction. Photo by the author.

Failing to Honour Agreements

Lastly, the City reneged on its own promise on the time. For example, although the dossier on Trinity Bellwoods residents identified that some residents would respond well to having more time, the City's plan was to wake residents up at 6AM and give them 2 hours to pack their belongings. While residents were told that they could have belongings safely stored at the City for future pickup or delivery, police destroyed their belongings (ESN, 2021d, p. 1). At Alexandra Park, residents were told they had until 8:30AM to leave the park, but the police sweep began at 8:15AM, "forcibly removing residents and supporters" and dragging residents away from their tents (ESN, 2021b, p. 2).

Argumentative Strategy (including logical fallacies)	Description	Example	Discourse	Theme
Argumentum ad verecundiam	Parading one's own qualities	"rather than being heartless, Toronto has arguably addressed an extremely difficult situation with fairness and common sense" (Globe and Mail Editorial Board, July 22, 2021)	Governance	Compassionate, Caring, and Reasoned Governance
Goal denial	Claiming that the outcome of an action was not the one intended	Mayor Tory said fences were "there to protect the safety of the city workers" (Passifiume, 2021b).	Governance	Deflecting Responsibility: Police, the Mayor, and the City Manager
Fallacy of unclarity, fallacy of ambiguity	Using unclear, unfamiliar, or ambiguous language	"More than 1,770 people staying in encampments have been *referred* to safe inside spaces since April 2020" (City of Toronto, 2021j)	Governance	Compassionate, Caring, and Reasoned Governance
Rationalization	Constructing an apparently good reason	Warmington (2021a) writes, "it can't be forgotten that those city parks and playgrounds are for families and not hardcore drug use, vagrancy and camping."	Citizenship and order	Mobilizing Discourses of Substance Use, Fear, and Hygiene
Topos of numbers	Logical fallacy where an appeal to large numbers is made with no context	Chris Murray (2021) said the City conducted more than "20,000" wellness checks in "the last year."	Governance	Compassionate, Caring, and Reasoned Governance

Argumentative Strategy (including logical fallacies)	Description	Example	Discourse	Theme
Authority legitimation	"According to law"	"Establishing an encampment in a park is illegal and the city will enforce trespass notices to ensure its parks remain safe and accessible to everyone" (Murray, 2021)	Citizenship and order	Whose Parks, and Whose Neighbourhoods?
Moral evaluation	Based on values	"the city has a moral obligation to continue to do all it can to provide safe, indoor options for encampment occupants and will not be deterred from these efforts of temporary shelter or, ultimately, housing" (Murray, 2021).	Governance	Compassionate, Caring, and Reasoned Governance
False dilemma (and bifurcation)	When a number of options or outcomes are presented as mutually exclusive	"children's summer day camps at Alexandra Park were closed due to the encampments. The City says the parks have re-opened to all" (Laurie, 2021a).	Citizenship and order	Establishing Binaries and the False Dilemma
Trajectio in alium	Victim-victimiser reversal	A police statement reads that a "large group of active protesters…made the area increasingly unstable and unsafe for the encampment residents and the city staff who were engaging with them" (Pagliaro, 2021).	Governance	Blame-Shifting: Victim-Victimizer Reversal

Table 1. Examples of Argumentative Strategies. Argumentative strategies sourced from Hansonn (2015)

Dominant Narratives

The following section locates the narratives constructed by media articles and municipal press briefings within discourses of governance, citizenship, and order. Within the discourse of governance, the City establishes itself as a compassionate, caring, reasonable, and firm actor. In this neoliberal paternalistic mode of governance, encampment residents are juxtaposed to the City as unreasonable and irresponsible decision makers, and eviction is framed as the only option and a last resort. Also within the discourse of governance is the City's intentional ambiguation of responsibility, diverting blame from one city body to the next and evoking the outside agitator trope to evade accountability.

Within discourses of order and citizenship, the media articles and press briefings create exclusionary visions of community and differentiated access to citizenship, utilizing colonial narratives of family, safety, and wellbeing in public space to position encampment residents as outside of "community." Discourses of citizenship and order, and specifically notions of civility, disorder, and deviance in public space are used to situate unhoused people outside of the orderly public, and thus frame the encampment evictions as a return to order and good governance.

These dominant narratives are overlapping and co-constitutive, intertwining to justify the encampment evictions and dispossess encampment residents from urban citizenship

Discourse	Theme		Description
Risk and Safety	City's triad framing of Encampments as "Illegal, Unsafe, and Unhealthy"	Criminalization and Fear	-Legality in context of safety, fear, and criminalization -Safety for whom?
Risk and Safety		Stigmatization of Drug Use and Mental Illness	-Pathologization of drug use and mental illness to individualize/depoliticize houselessness crisis
Risk and Safety		Public Health and Environmental Narratives	-Reliance on aesthetics, race, class biases -Call for spatial exclusion/containment
Governance	The City as a Compassionate Yet Firm Actor		-Neoliberal paternalist mode of governance -City as reasonable, juxtaposing encampment residents as irresponsible and imprudent decision makers -Framing evictions as a last resort after the city had exhausted all other options
Governance	Intentional Diffusion of Responsibility		-Shifting blame and responsibility from one city body to another -Blaming encampment resident and allies for violence -Invoking the outside agitator trope to invalidate advocates
Citizenship and Order	Urban Citizenship and Exclusionary Visions of "Community"		-Using colonial ideals of family, childhood, and safety/wellbeing in space to exclude unhoused people from space -Using binary opposition to establish exclusionary ideas of "community" -Mobilizing safety, fear, and drug use discourse to depict unhoused people as non-citizens
Citizenship and Order	Encampment Residents as Non-Citizens		-Establishing the public as orderly -Narratives of restoration, order, and civility -Encampment residents as outside of the public, as non-citizens -Framing evictions as the return to order and good governance
Dismissive, Diminishing, and Dehumanizing Language: neutral, vague, passive language, spectacularization			

Table 2. Media Discourses on Encampment Evictions.

Note: only the discourses on governance, citizenship, and order are within the scope of this analysis.

Discourses of Governance: The City as a Compassionate Yet Firm Actor

Under discourses of governance, the City establishes itself as a reasonable and compassionate yet firm actor, constructing encampment residents as unreasonable actors who cannot be trusted to make good decisions for themselves. Here, I argue that the City adopts a neoliberal paternalistic mode of governance, whereby poverty is policed and punished, and encampment residents are disciplined by state authority into doing what the state decides is best for them. The language of compassion, care, and protection is prevalent, and the City frames its actions as reasonable, measured, and balanced. In some examples below, the paternalistic tone is evident. Terms like "compassionate" and "caring" are mobilized to mean something else entirely in the context of homelessness policy (Murphy, 2009; Sparks, 2011). In this case, the City claims compassion but its eviction plans (Office of Emergency Management, 2021) showcase intent for violence.

Neoliberal Paternalism

Neoliberalism is a contested concept, as is paternalism. For the purposes of this discourse analysis, *neoliberal paternalism* is operationalized as a disciplinary form of poverty governance that is racialized and colonial. Paternalism is rooted in a traditional father/child relationship, whereas the child lacks the capacity and self-discipline to identify and act in their best interest, and the father knows the child's best interest and is morally obligated to act on it (Soss et al, 2011, p. 23-24). Thus, the father must direct and supervise the child, deny the child what is deemed unfit for them, impose decisions, and enact punishments when he sees fit (Soss et al, 2011, p. 23-24).

Paternalism, as a governance strategy, focuses on "segments of the poor who are identified as being too irresponsible" (Soss et al, 2011, p. 25). The paternalist academic James Q. Wilson (who also coined the "broken windows" theory) specified these segments: "the homeless, criminals, drug addicts, deadbeat dads, unmarried teenage mothers, and single mothers claiming welfare-benefits who have by their behavior indicated that they do not display the minimal level of self-control expected of decent citizens" (Wilson, 1997, p. 340-341 as cited in Soss et al, 2011, p. 25). Evidently, paternalism is inextricably linked to racist and exclusionary conceptions of citizenship - Sparks (2012) argues that paternalism and compassion construct "the "new"

homeless…whose failure to adhere to a proper disciplinary regime marks them as non-responsible, non-productive, non-citizens" (p.1515).

The intersection between paternalism and neoliberalism is visible as they "define a strong state-led effort to bring discipline to the lives of the poor so that they can become competent actors who recognize and act on their interests as freely choosing agents of the market" (Soss et al, 2011, p. 26). This freedom is thus pursued through disciplinary and order-imposing measures (Soss et al, 2011, p. 26), including but not limited to "enlargement and exaltation of the police, the courts, and the penitentiary" (Wacquant, 2010, p. 198) as a way to reassert elite authority. In practice, neoliberal paternalism is "directive and supervisory" (Howard-Wagner, 2018, p. 221). It is a top-down, managerial form of settler colonial micromanagement and domination, where the poor are expected to comply and punished if they do not.

Because paternalism begins with unequal power relations (which it deepens), it may incorporate coercion as well (Soss et al, 2011). For example, Mary-Anne Bedard, the general manager of Toronto's Shelter, Support and Housing Administration stated that the City would proceed with encampment evictions regardless of how encampment residents responded to alleged shelter spots. Bedard said, "When we make an offer to someone for an inside space, we work with them to ensure they're in a position to accept that. But if they decline that offer, we will continue to clear the site" (Gibson, 2021b). This coercive and paternalistic statement carries a reasonable tone. It offers the illusion of choice, not a real one.

Its racist and colonial governance logics are clear: Howard-Wagner (2017) writes that paternalistic poverty governance is an "overt racial project in which Indigenous peoples are invented, constituted and assimilated into the neoliberal body politic" (as cited in Howard-Wagner et al, 2018, p. 20-21). Importantly, this directive and supervisory governance structure is "not simply the endless repetition of hierarchical colonial relations. It is a colonizing moment in and of itself" (Howard-Wagner et al, 2018, p.20-21). This feedback loop is applicable to the proceeding quotes from media articles and press briefings - unhoused people are constructed socially dysfunctional to justify paternalistic governance, and the state is presented as the reasonable and compassionate actor. While not all encampment residents who were subject to evictions in the summer of 2021 are Indigenous, the governance strategy underlying the evictions and mainstream narratives constructed surrounding them are a continuation of the City's settler-colonialism.

Compassionate, Caring, and Reasoned Governance

The words "compassion" and "care" are used to frame municipal governance by city officials and journalists. For example, when asked about photographs of police using pepper spray, beating, and choking residents at the Alexandra Park and Lamport Stadium encampment evictions, Mayor Tory denied seeing any images or social media posts, but described police as "public servants, very professional and compassionate people just doing their jobs" (Dimatteo, 2021a). Tory's staunch defense of the police's actions, and his claim that police are "compassionate" despite claiming to have not seen photographs where police are indisputably brutally violent towards encampment residents and their allies implicates him in said violence. In an article on the Trinity Bellwoods eviction, Mayor Tory is quoted to say "the firm way, and frankly the compassionate way, says these encampments can't remain without being acted on in public parks" (Gibson, 2021b). Here, Tory links compassion with firmness directly, and shows that the City feels responsible to act swiftly and urgently. The paternalistic tone is also evident in articles where the City is depicted to define morality and act upon it - "the city has a moral obligation to continue to do all it can to provide safe, indoor options for encampment occupants and will not be deterred from these efforts" (Murray, 2021).

Almost all municipal press briefings on the encampments and encampment evictions include the phrase, "The City of Toronto continues to assist and protect people experiencing homelessness" (City of Toronto, 2021f). Several include the phrase, "The City of Toronto is continuing to do everything it can to address homelessness and keep some of our most vulnerable residents safe and protected against COVID-19" (City of Toronto, 2021i). The language of "assist," "protect," and "do everything it can" are explicitly paternalistic in nature. In a Toronto Star debate, City Manager Chris Murray was quoted to say that "The City of Toronto has the largest shelter system in Canada, *looking after* more than 6,000 people each night…Meals, access to physical and mental health supports, harm reduction and, importantly, access to a housing worker are fundamental to our mission of *compassionate care* for the city's homeless population" (Murray, 2021, emphasis by author). Murray's paternalistic tone is evidenced in his use of the terms "looking after" and "compassionate care," and he frames the City's provision of basic services to shelter users as a notable achievement. In columnist Marcus Gee's defense of the City, Gee (2021) writes that the City "acted with care. Far from rousting the residents, it sent officials in again and again to offer them housing…almost 1,730 people staying

in encampments have been referred to safe inside spaces since April 2020." The City is framed as a reasonable actor that is trying to connect encampment residents with housing services, and is successful in doing so in Gee's view. Gee's usage of a seemingly large number with no indication of scale is misleading - as of September 2021, only 8% of encampment residents made it into permanent housing (Beattie, 2021). The usage of large numbers to imply the City's competence without providing context is also a strategy used in municipal press briefings. One stated, "more than 1,770 people staying in encampments have been referred to safe inside spaces since April 2020" (City of Toronto, 2021j). The usage of the vague term "referred" here is ambiguous because it is unclear if residents were able to secure these shelter spaces, or if they were deemed suitable by encampment residents in the first place.

Beyond the above, there are numerous examples of the City being depicted as a reasonable and fair actor that is doing all it can, or even exceeding what can be reasonably expected of it. These depictions of the City as reasonable are constructed in parallel to assertions that encampment residents are unreasonable. Gee (2021) writes that "Toronto's approach to the camps from the start has been patient and cautious," neglecting to mention that the City allowed these encampments to exist for a year because of a) COVID-19 outbreaks and lack of covid-safety in shelters and b) the collapse of the shelter system under increased demand (Shelter & Housing Justice Network, 2022). The Globe and Mail Editorial Board writes, "rather than being heartless, Toronto has arguably addressed an extremely difficult situation with fairness and common sense" (July 22, 2021). This congratulatory statement (or *argumentum ad verecundiam*, an argumentative strategy where those in authority parade their own achievements or qualities) comes after all three evictions and documentation of arrests and police brutality became widely available. Still, the City was not "heartless" and acted fairly and with common sense, common sense that encampment residents and their allies are presumably precluded from. It's worth noting how conceptions of "common sense" may connect to ideas surrounding civility, order, and citizenship that will be discussed later in this discourse analysis. The idea that the City has gone above and beyond expectations is repeated often, particularly with references to decontextualized numbers citing the City's outreach efforts. For example, Chris Murray (2021) said the City conducted more than "20,000" wellness checks in "the last year." Murray utilizes the topos of numbers - a logical fallacy where an appeal to large numbers is made without indication of what they mean, as a "wellness check" may have been a city employee simply

walking past, seeing, or photographing an encampment resident without offering any material support (supplies such as water or food). In another instance, the Globe and Mail Editorial Board writes that "Toronto had gone to great lengths to respond to the needs of the homeless in the first six months of the pandemic" (2021). The connotation here is that the City is going above and beyond what can be reasonably expected from them, that it is not their responsibility to "respond to the needs" of unhoused people, and that their alleged efforts to meet the needs of unhoused people earlier in the pandemic somehow justifies evictions in summer 2021.

Encampment Residents as Unreasonable and Imprudent Decision-Makers

The framing of the City as reasonable works in parallel to the framing of encampment residents as irresponsible actors who cannot be trusted as decision-makers. The Toronto Star Editorial Board (2021) wrote, "the fact that a few refuse all alternatives offered to them can't dictate city policy around a space that is, after all, a public park. And it remains true that encampments aren't good for the people living in them. They aren't healthy and they aren't safe." Rather than laying blame on the City for failing to provide options deemed adequate by encampment residents (or for contributing to a housing crisis where people resort to live in parks), encampment residents are framed as discontented and unappeased with "all alternatives" (Toronto Star Editorial Board, 2021). A paternalistic and disciplining tone is also evident here, where the authors insist that encampments "aren't good for the people living in them" (Toronto Star Editorial Board, 2021). The aforementioned quote also corroborates with the City's narrative that encampments are unsafe and unhealthy, which was discussed earlier in this analysis. Moreover, the City's claims about encampment residents declining offers of services, support, and shelter spaces position the encampments as an obstacle to other, more acceptable pathways out of homelessness. The City assumes that shelters and shelter hotels are a pathway out of homelessness and eventually into permanent housing (which is contested), and that encampments are antithetical to these state-sanctioned pathways.

Another example of this delegitimization of encampment residents' concerns occurred after the Trinity Bellwoods eviction. The City's press statement reads that the eviction occurred "after several months of engagement with encampment occupants to encourage them to come inside where they have access to meals, laundry, medical and social supports, and a housing worker" (City of Toronto, 2021j). The City lists the services that are allegedly offered to

encampment residents, touting itself as offering all these services (although they are all basic needs), but listing them may have the effect of painting anyone who refuses them in a negative light.

Eviction as a Last Resort

Within the framing of the City as compassionate yet firm, City and media articles framed evictions as the last resort. Establishing the City as reasonable insinuates that it only makes reasonable decisions and governs within the realm of that reason, so its decision to evict must also be related to its well-reasoned governance. This strategy is a form of blame-avoidance or denial, and the assertion that the City has no choice but to evict encampment residents is an informal logical fallacy - its substantial claim is not sound. There are several instances where this correlation is direct. The Globe and Mail Editorial Board writes, the City is acting in "a justifiable measure of last resort, after going to extraordinary lengths to find better alternatives" (2021). Similarly, DiManno (2021) writes, "The city has taken *extraordinary measures* to look out for this vulnerable constituency and it has been *remarkably patient*" (emphasis by author). The two aforementioned quotes imply that the City has gone above and beyond what can be expected of it, as though unhoused people are not its constituents, and although the state is not responsible for their destitution. DiManno's language in particular invokes paternalistic governance - the City "looks out" for unhoused people and is "patient" with them.

Prior to the Trinity Bellwoods eviction, a municipal press release stated that the City will "enforce bylaws at encampments *after exhausting all options to help people move from encampments to safer, indoor spaces"* (City of Toronto, 2021f, emphasis by author). The Chief Communications Officer, Brad Ross, repeats the phrase "exhausts all efforts"' in a Toronto Star article (Gibson & Pagliaro, 2021). Ross says trespass notices will only be enforced once the City "exhausts all efforts to encourage those (in) encampments to come inside," and said operational decisions like using fencing, security and police force are made "on a case by case basis"" (Gibson & Pagliaro, 2021). Passifiume (2021a) wrote that the City spent "the morning urging between 14 and 17 holdouts occupying a portion of Lamport Stadium…to leave" before making "good on its promise to enforce trespass notices." DiManno (2021) writes, "Trinity Bellwoods was cleared only after every resident had been offered a safer inside space and each person provided time to go through his or her belongings." The aforementioned represent the City as

having gone to extreme lengths to house encampment residents, implying that it has drained available resources to respond to the crisis at hand. This depicts the City as having exceeded all reasonable expectations for action, and is thus only evicting encampment residents out of necessity. Claiming that the City has no choice but to evict residents is another way to avoid blame and responsibility.

In another contribution to this framing, the Globe and Mail Editorial Board writes, "the city took no immediate steps to shut down the encampments that sprang up in the first months of the pandemic. Instead, it provided services to them, such as portable toilets, handwashing stations and access to community-centre washrooms and showers." As mentioned previously in this analysis, encampments were permitted to exist because the City had no safe options for unhoused people, by their own admission. The City's internal communications in June 2020 display that although the City claimed to have safely distanced shelter beds despite knowing that was untrue (Gibson, 2020). The City's operations and support services manager, Brad Boucher, wrote to city staff saying, "I know everyone wants this to disappear, but I feel like we are pushing a bit too hard to finalize today and it could leave us vulnerable" and admitted that the team hadn't begun "any of the work" mentioned in an earlier email (Gibson, 2020). In addition, only a lacking understanding of governance would applaud the City's bare minimum response to encampments - providing basic services such as portable toilets and handwashing stations. In fact, the Moss Park portable toilets were deemed unusable by encampment residents due to uncleanliness and a lack of safety (Pabani & Graham, 2020, 13:20-15:20). The showers that were available at the nearby community center were also not easily accessed by all. An encampment resident at Moss Park who used the name Little Man said he felt herded and pressured with the time limits at the community centre showers, and that he worried belongings would be stolen if he left them behind for a long time as he waited in line (Pabani & Graham, 2020, 23:31-24:02).

Overall, the notion that the City is acting out of compassion while remaining firm and reasonable is a feature of a paternalistic governance style that is managerial, top-down, and is derived from settler-colonial domination. Imposing this form of governance onto encampment residents is additionally related to conceptions surrounding deviant citizens, those whom the state robs of agency and instead maintains oversight on. This mode of governance inevitably strengthens the state - it justifies overbearing state interventions, supposedly for the good of the

poor and for broader society. The belief that certain people cannot competently make decisions for themselves justifies increased policing and surveillance, and contributes to the carceral state.

Discourses of Governance: Intentional Diffusion of Responsibility

Within the discourse of governance, the City intentionally evades responsibility in two primary ways. The first is diverting blame from one City body to another, with the Mayor's office, the City Manager's office, and the Toronto Police directing responsibility to one another. The second narrative is that the City is shifting blame on "protestors" for initiating violence, rather than holding police accountable for the violence they caused. The aforementioned tools are ways to escape accountability, or blame avoidance strategies. The strategies used by the City are aligned with the liberal culture of doublespeak as well. Doublespeak "is a language which pretends to communicate but really does not…language which makes…something negative appear positive, something unpleasant appear attractive, or at least tolerable…[and] avoids or shifts responsibility" (Lutz, 1989, p. 18). Doublespeak is interconnected to white liberalism as "classical liberalism uses the construction of whiteness and the manipulation of language to convince us that we and our institutions… ultimately care about "the common good"" although liberal institutions bolster white supremacy (Dexheimer, 2020, p. 4).

While blame avoidance permeates organizational structures and administrative processes in addition to language, this analysis is focused on the linguistic aspect. Hansson (2015) argues that blame avoidance is "a dominant and frequent (if only implicit) theme of executive government communication" (p. 219). Of course, government officials often use several of these discursive choices concurrently, and blame-avoidance language may be applied in conjunction with other "non-discursive strategies of blame avoidance" (Hansonn, 2015, p. 316). Blame-avoidance includes various argumentative strategies, including but not limited to frames, denial, representing actors and actions in certain ways, legitimations, excuses, and attempts at cognitively manipulating audiences (Hansonn, 2015, p. 306).

Deflecting Responsibility: Police, the Mayor, and the City Manager

The first way that agency and responsibility are obscured is through the deflection of responsibility amongst city bodies. The three primary players in this deflection strategy are the police, the Mayor's office, and the City Manager's office. For example, City Manager Chris

Murray expressed that the "city played no role in the police response or decisions around deployment by police, including the decision to send riot police on horseback" (Dimatteo, 2021b). Internal municipal documents published after FOI Requests later revealed, however, that the Mayor's office and the police were both in communication with the City Manager's office in preparation for the evictions.[27] Even prior to the release of documents that indicated otherwise, it was difficult to believe Mayor Tory was uninvolved in decisions surrounding the deployment of police, since he sits on the Police Services Board. Also, Councillor Frances Nunziata was handpicked as the Vice Chair of the Police Services Board by Mayor Tory. Councillor Nunziata is additionally the Speaker of Toronto City Council (Dimatteo, 2021b). Another example of this deflection is ambiguity in language - "enforcing the trespass notice at Lamport Stadium park today was a City decision. Toronto Police were present to support City staff should be required" (City of Toronto, 2021d). In addition, this deflection also occurred after the Lamport eviction. Speaking to reporters, Police Staff Superintendent Randy Carter says, "we work with the City, and the City is the one that addresses the original problem and tries to get people to move on." (McAllister, 2021).

Part of this deflection strategy was the use of excuses that claimed ignorance. For example, when asked about a photo of "an officer kneeling on a downed protestor's head" (Gillis et al, 2021), Tory stated "he had not seen that photo" (Gillis et al, 2021). Similarly, when asked if police used pepper spray against encampment residents and allies at the Lamport eviction, Police Staff Superintendent Randy Carter told reporters on site "I don't know that our officers used any pepper spray, I don't know" (McAllister, 2021). Tory and Carter are both using ignorance as an excuse to avoid responsibility, although they are both in high positions of power and decision-making. Similarly in response to questions about fencing and kettling at the Trinity Bellwoods eviction, Tory said, "I didn't decide on nor was I asked my opinion on fences, but they were there to protect the safety of the city workers…who were there to speak to the remaining people experiencing homelessness" (Passifiume, 2021b). Tory is not denying that fences may have been harmful - he mitigates that harm by absolving himself of blame by claiming he was not responsible for the use of fencing. He is also practicing goal-denial, where an actor claims that the outcome of an action was not the one intended. By saying that fences were "there to protect the safety of the city workers" (Passifiume, 2021b), Tory rejects the harms

[27] See the email exchange here.

caused by fences (where Bellwoods residents and allies were kettled, and police prevented water and other supplies from entering the fences), and instead claims the goal was to provide "safety." Hansonn (2015) writes that goal-denial is "aimed at altering the perception of the blame-taker's agency," and that "intention denials may be particularly effective, because in many cases it may seem almost impossible for accusers to provide actual evidence that certain people in the government had negative intentions" (p. 302).

Blame-Shifting: Victim-Victimizer Reversal

The second strategy where city statements and media articles contributed to an air of ambiguity is by shifting blame on what they term "protestors" - housing justice advocates, neighbours, and other city residents who provided support and offered solidarity to encampment residents during evictions. For example, Police Staff Superintendent Carter blamed encampment residents and their allies for physical violence at the Lamport Stadium eviction. Discussing police behavior, Carter said, "we do our best to get to a place where nobody gets hurt and we don't have to be physically fighting with people, but you were all witness to how we had to get to that place today" (McAllister, 2021). This blame-shifting technique is especially interesting because Carter is not explicitly naming who is responsible - he is simply deflecting the accusation of blame back to reporters, denying that his officers instigated violence and instead relying on the reporters' capacity to deduce conclusions from what they witnessed.

In other examples, police utilize victim-victimizer reversal or, *trajectio in alium* (Hansonn, 2015, p. 309) as an argumentation strategy. A police statement reads that a "large group of active protesters…made the area increasingly unstable and unsafe for the encampment residents and the city staff who were engaging with them" (Pagliaro, 2021). Police spokesperson Alison Sparks echoed this sentiment, saying that police officers approach the situation "expecting peaceful cooperation," and that protestors "made the area increasingly unstable and unsafe" for encampment residents and City staff (Gibson & Pagliaro, 2021). Levy (2021a) writes that protestors "showed up by the dozens seemingly to cause trouble." In more extreme wording, Zivo (2021b) writes, "police are sent only as security to protect workers from any *mobs* that may show up" (emphasis by author). Here, police are represented as safety-keepers and "protestors" are represented as disruptors of order.

The above are all examples of referential strategies (membership-attributing strategies that form an in-group and outgroup) and predicational strategies (ways of attributing that portray actors as positive or negative) (Hansonn, 2015, p. 302). This blame-shifting tactic relies on the representations of actors, assuming that blame is more easily laid on those described as "other" and attributed with stereotypically negative characteristics, such as disorderly or violent in this case. Hansonn (2015) writes that "harm inflicted to actors who are represented as members of some negative (e.g. threatening) outgroup is less likely to generate blame" (p. 302). Of course, this strategy is an extension of one used to describe encampment residents themselves. One example occurred after the Trinity Bellwoods eviction, where the City's press briefing stated, "nine people in the encampment left the site yesterday, declining offers of support or service" (City of Toronto, 2021j). That claim is untrue - frontline worker Lorraine Lam tweeted that "only ONE resident from Bellwoods got a housing offer. SOME went to temp respites. MANY are now just in to diff[erent] parks" (Lam, 2021). Despite its deceptive nature, the statement blames encampment residents, portraying them as refusing help offered to them.

Returning to more direct methods of victim-victimizer reversal, during an interview with the CBC, Mayor Tory explicitly blamed "protestors" for the violence. Cutting a reporter off and raising his voice, Tory asserted, "Who started it? Who started it, Ismaila? Who started the violence?" (Gillis et al, 2021). Not only is this an example of the strongest form of act denial - victim-victimizer reversal, but it also posits that the police force and those who witnessed the eviction are two equal players, both with equal power in the situation. Notably, Zivo (2021b) writes that "activists came together to *violently oppose* the eviction" (emphasis by author). Rather than recognizing the violence in an eviction, Zivo represents those who oppose evictions as violent. In another example of victim-victimizer reversal, Levy (2021) writes that "activists…take footage that makes it seem like the police were brutish to the homeless." In addition to disputing the accuracy of the images, video, and witness reports on-site, Levy (2021) positions the police as victims who have been subject to biased citizen media coverage. Another example of victim-victimizer reversal is when the City claimed that City staff are facing harassment - "City staff attempting to assist those experiencing homelessness are increasingly facing intimidation, threats and criminal harassment by advocates or protestors at encampments" (City of Toronto, 2021d), where the City positions itself as the real victim of violence.

"Protestors" and the Outside Agitator Trope

Part of this blame-shifting strategy relies on the infamous trope of the outsider protestor. Bholla (2021) quotes a police representative who says, "our resources were adjusted throughout the day as more protestors *travelled to the site for the purpose of interfering* with the clearing of the encampment. Protestors *outnumbered* encampment residents, *creating an increasingly unstable and unsafe environment* for them and for City staff" (emphasis by author). This is a classic example of the outsider agitator trope, a delegitimizing strategy where protestors or dissenters are represented as originating from outside the locality and as non-citizens (D'Arcus, 2004). D'Arcus (2004) writes that "the outside agitator has historically represented the deviant anti-citizen" who is "untied to authentic place-based identity" (p. 357). DiManno (2021) contributes to this construction of "protestors" as deviant: "minimal force was…used...with the handful of clashes generated by crusader protesters, who, doubtless, went home to their comfortable beds afterward, likely far from the residential neighbourhoods that have been contending with encampments on their doorstep for going on 18 months." DiManno's framing is explicitly corroborative with the outsider agitator framing, where "individual inciters enter localities from elsewhere, spark unrest that otherwise would not occur and then disappear, leaving local communities to deal with the aftermath" (D'Arcus, 2004, p. 363). If public unrest is a product of outside influence (and by deviant non-citizens), it is thus illegitimate (D'Arcus, 2004, p. 363). In addition to delegitimizing dissent, the outside agitator trop de-politicizes the site of resistance. In an analysis of the American civil rights movement in the late 1960s, D'Arcus argues that "by placing agency…in the bodies of deviant outsiders, critics sought to occlude any potential political meaning such that events might elicit" (p. 365).The term "interfering" in the above quotes is notable - it connotes that allies are partaking in an event without necessity, that they are being disruptive. It was also used by the Globe and Mail Editorial Board, who wrote "protestors have tried to interfere on several occasions" (2021). Similarly, in the municipal press briefing announcing the costs of the evictions, the City said allies were "preventing City staff from doing their jobs" (2021i).

Overall, the aforementioned explores the discourse of governance through which the City establishes itself as a compassionate, caring, reasonable, and firm actor. Revealing a neoliberal paternalistic mode of governance, City and media documents portray the encampment residents as unreasonable and irresponsible decision makers, juxtaposing them to the City's alleged

reasonability Because the City is so reasoned, eviction is framed as the only option and a last resort. Also evident within the discourse of governance is the City's intentional deflection of responsibility, diverting blame from one city department to the other, and evoking the outside agitator trope to evade accountability. The aforementioned serves to justify evictions and minimize state violence.

Discourses of Citizenship and Order: Urban Citizenship and Exclusionary Visions of "Community"

Narratives of exclusionary visions of "community" and differentiated access to urban citizenship are constructed under discourses of citizenship and order. These exclusionary visions rely on the development of binary oppositions, a framing device used in media articles. Opposition theory was first coined by the linguist Ferdinand de Saussure (1879), where concepts gain value by being contrasted to oppositional concepts. Structuralist thinkers developed de Saussure's ideas, and Claude Lévi-Strauss (1964, 1978) identified binary oppositions, where two theoretical concepts define each other and are contrasted by one another. Some examples include good/evil, hero/villain, and up/down. Within a narrative, usually one of the two opposites dominates the other.

The construction of blatant binary oppositions was most prevalent in the Toronto Sun and the National Post articles, as well as in the municipal press briefings on the Alexandra Park eviction. These binaries justify the encampment evictions, position encampment residents as outside of the deserving public, and align with colonial logics of family, safety, and wellbeing in space. While this binary opposition was only identified once during analysis, its blatancy is notable. In an article about the Trinity Bellwoods eviction, Stuart and Beckett (2021) write about the "inevitable" divide and the "almost…natural order of things: business associations, homeowners and police on one side, people living unsheltered, advocates and protesters on the other." This supposed inevitable divide pits groups against one another and carries an assumption of inevitability, aligning with colonial logics. The ahistorical myth of inevitability neglects to capture how political and economic decisions lead to any given historical moment. Other than that, the primary binary explored below is *Families (With Children) / Unhoused Individuals*.

The Symbolism of Childhood and the Family in Constructing Nations and Citizens

The invocation of children and family in the creation of binaries is a powerful tool. In the Western literary canon, Romanticism marked the invention of childhood as a category distinct from adulthood, and this conception of childhood continues today (Austin, 2003). Poets such as Wordsworth (We Are Seven, 1798) and Blake (Songs of Innocence and of Experience, 1789) contributed to the development of mystified narratives of children as innocent, perfect, and pure. Childhood innocence is a socially constructed binary within itself that upholds the binary of child / adult. The usage of children in the binary below serves to contrast their innocence with allegedly nefarious encampment residents. Innocence is a gendered and racialized concept[28] that privileges whiteness and is related to ideals of white femininity, such as dependence and purity.

More generally, the invocation of the family as deserving of safe access to parks, in comparison to encampment residents who are only deserving of violent eviction, is inextricably linked to settler-colonial logics. The white, heteronormative ideal of a nuclear family is essential in constructing notions of safety as well as nation-building in the Canadian state (Tallbear, 2018). White nuclear families anchored imagined "safety" while communities of color were made "available for sacrifice" (Ebron & Tsing, 2017, p. 633), and "well-being was defined through the safety and security of well-ordered white families surrounded by specters of color [and] chaos" (Ebron & Tsing, 2017, p.667).

In that context, it's worth noting that a City of Toronto Street Needs Assessment (2018) found that Indigenous people constituted 16% of the unhoused population, while only being 2.5% of the city's overall population; 38% of "outdoor" unhoused people are Indigenous, and 20% of users of 24-hour respite sites were Indigenous when the assessment was conducted (p.4-5). The report also notes that Indigenous people are more likely to be unhoused for longer periods of time compared to settlers (City of Toronto, 2018, p.4-5). Also, almost two-thirds of unhoused individuals surveyed self-identified as racialized, with the largest percentage of respondents identifying as Black (City of Toronto, 2018, p.4-5). It's safe to extrapolate, then, that a large proportion of encampment residents who were evicted from downtown parks to make way for state-sanctioned, white uses of the parks were racialized and/or Indigenous.

[28] See Bryan (2020), Morris (2016), and Epstein et al (2017) for analyses of the criminalization of Black boys and the adultification of Black girls in classrooms.

Establishing Binaries and the False Dilemma

Media articles and press briefings suggest, both directly and indirectly, that encampments negatively impact families and are unsafe for children. Children are positioned as innocent beings who are deserving of play and joy, while encampment residents are positioned as the barrier to that joy. To situate the following discussion, Alexandra Park is located adjacent to the Scadding Court Community Centre, which hosts programming and summer camps for children. Municipal press briefings present Alexandra Park as a zero-sum game: either the park continues to be used as a refuge for encampments, or they are cleared so that children can use it for summer camps, but the two cannot co-exist. A press release issued on July 20th, 2021, reads, "City parks also must be ready, safe and accessible to all. Summer day camps scheduled at Alexandra Park have had to be cancelled this year because of the inaccessibility of the park due to the encampment" (City of Toronto, 2021g). This narrative is also purported by a Toronto Sun article: "children's summer day camps at Alexandra Park were closed due to the encampments. The City says the parks have re-opened to all" (Laurie, 2021a). This zero-sum framing of *either* children's camps *or* the encampment also relates to the myth of inevitability - the City's eviction tactics *had* to be adopted. This is an example of a false dilemma - a logical fallacy in which a number of options or outcomes are presented as mutually exclusive. This *either/or* claim exemplifies *bifurcation*, a type of false dilemma where only two options are presented as mutually exclusive. False dilemmas are often used by politicians to oversimplify complex situations, or impact readers' reasoning and logical processes (Van Vleet, 2012, p. 25-27). In this context, the false dilemma is constructed to sway the readers' views on the evictions, and to justify the City's intervention for a "deserving" group at the expense of an "underserving" one. Beyond that, the assertion that Alexandra Park was open to "all" after the eviction (except for unhoused people) relates to the framing of encampment residents as outside of the public, which will be discussed in detail later in this analysis.

Mobilizing Discourses of Substance Use, Fear, and Hygiene

More explicit examples of this binary framing utilize discourse of substance use, fear, and hygiene to assert, for example, that "the park is no longer safe for children. Its play structure and splash pad have not been used all year due to fear of children coming into contact with needles" (Zivo, 2021a). Regardless of the validity of Zivo's claim, he juxtaposes the innocence

of children against the supposed ubiquity of criminalized drug use in the encampment. In a Toronto Star article by Rosie DiManno (2021), whose original headline said, "a look inside the crazy mashed up world of the homeless," DiManno writes that the evictions occurred "so children can play without fear, without tripping over drug paraphernalia and broken bottles; parents and nannies can push strollers without wariness of strangers; so urban serenity and community hygiene can be reinstated" (2021). DiManno evokes the narratives of fear and drug use that are prevalent in other examples above, and suggests that parks have been restored to their "serene" and clean nature, after disruptive encampments caused disorder and waste. Of course, regardless of the presence of encampments, there will always be "strangers" in large downtown parks in Toronto, but DiManno is implying that there is something different about the encampment residents that poses a higher risk to children and families. Following the Bellwoods eviction, Levy (2021) writes, "Trinity Bellwoods is free of campers and being *cleaned* out for residents like the woman with the stroller who wish to walk or picnic there" (emphasis by author). Here, Levy suggests that the parent and their child, or others wishing to use the park for recreational purposes are the only ones whose access to it is permissible. The usage of the phrase "cleaned out" also relates to environmental narratives on hygiene and waste, and notions of cleanliness and purification are inherently class-based, often connoting modernity and progress (Ghertner 2008). Similarly, Warmington (2021a) writes, "it can't be forgotten that those city parks and playgrounds are for families and not hardcore drug use, vagrancy and camping." Warmington's comment contributes to narratives that stigmatize drug use, as well as dismiss the encampment residents as "campers" who are living in the park by choice or for recreational purposes. More importantly, the mobilization of the word "vagrancy" here is notable. Vagrancy prohibitions are rooted in English criminal law, which have historically and currently targeted those whose presence threatens the social, political, and economic order. Vagrancy laws thus criminalize and police poverty, and seek to render it invisible. In addition, vagrancy laws target Black, Indigenous, and people of color, sex workers, and other minoritized individuals whose existence are deemed deviant by the state and must be controlled and punished (Hermer and Fonarev, 2020). By the 1970s, most offences under vagrancy law were repealed from the Canadian Criminal Code, but "neo-vagrancy" laws persist and contribute to the socio-spatial exclusion of unhoused people (Beckett and Herbert, 2008). In the City of Toronto's Municipal Code (2004), these neo-vagrancy offenses include bylaws against sheltering (Chapter 608,

Parks), obstructing (Chapter 743, Streets and Sidewalks), disorder (Chapter 608, Parks), and loitering (Chapter 608, Parks), and act as tools of social control (Hermer and Fonarev, 2020).[29] The provincial *Safe Street Acts* (1999) is an example of contemporary vagrancy legislation which criminalizes poverty and homelessness (Hermer et al, 2020).

Overall, the establishment of binary oppositions in several media articles serves to justify the encampments by framing encampment residents as outside of the deserving public, and align with colonial logics of the cis-heteronormative family ideal and conceptions of safety and wellbeing in space. Beyond reinforcing stereotypes of unhoused individuals as criminally dangerous, creating a binary between "families" and encampment residents also contributes to the dehumanizing notion that unhoused individuals do not have families - that they are somehow rootless individuals floating through the city.

Discourses of Citizenship and Order: Encampment Residents as Non-Citizens

Within discourses of citizenship and order, media articles and municipal press briefings also establish encampment residents as non-citizens who cause disorder and behave outside of the constraints of law. Once encampment residents are established as outside of the public, the evictions are framed as a return to order and good governance in the City.

The Orderly Public and Toronto The Good

The construction of the public as orderly - especially in the context of housing and eviction - has been developed in literatures on urban citizenship. For example, Bhan (2009) writes about the demolition and eviction of an informal settlement that housed over 150,000 people in Delhi and the framing of said violence as good governance and a return to order. These evictions signify a shift in how the urban poor are "represented, governed, and judged," where the citizenship of the urban poor is "called into question" (Bhan, 2009, p. 131, 135). Denying the rights of citizens in the name of "public interest" is a stark indicator of who is considered a rightful citizen (Bhan, 2009, p. 131). This denial of citizenship is often based on narratives that frame the urban poor as "unscrupulous" citizens who are not propertied, as enablers of chaos, disorder, anarchy, or as the harbingers of disease or pollution (Bhan, 2009, p.135). Beyond that,

[29] See Hermer and Fonarev's map of neo-vagrancy bylaws, offense types, and offense distribution in Canada during the pandemic.

notions of order and civility are essential to policing urban space (Anderson, 2018) and are rooted in post-Enlightenment European ideals (Anderson, 2018, p. 257). Calls for public civility and order often suggest bourgeois values (Anderson, 2018, p. 249), and correspond with calls for increased punishment, policing, and social control (Conradi, 2000). For example, in Toronto, youths washing vehicle windshields in busy downtown streets, or "squeegee kids," first appeared in Toronto in the summer of 1995 (Conradi, 2000, p.1). Although they posed minimal risk and mild nuisance to some, the squeegee kids were criminalized by conservative politicians and media networks, and their existence was framed in the context of law, order, and social values. Conradi (2000) analyzes media articles at the time and exhibits how squeegee kids were framed as non-citizens due to their disorderly conduct. Squeegee kids were criminalized by then Toronto Mayor Mel Lastman and Ontario Premier Mike Harris (Conradi, 2000, p.2) as well as the enactment of the provincial Safe Streets Act in 1999, which essentially banned squeegeeing and imposed fines of up to $1000 CAD, or six months in jail (Gaetz, 1999). Notions of civility and order have significant influence in Toronto especially:

> "'Toronto the Good', the name which characterised the city between the late 19th and early to mid 20th centuries, was a construction on the part of social commentators and politicians alike to highlight the supposed virtuosity of the city, predicated on order and civility and, in particular, temperance and strict adherence to Christian values (Clark, 1898; Strange, 1991)." (Ranasinghe, 2011, p. 1932)

It's worth noting that discussions on order, property, and citizenship can be understood in the context of regimes of racial citizenship (Bhandar, 2018) and propertied citizenship (Roy, 2003; 2009), where "property constitutes the proper social and political order" (Przybylinski, 2021, p.4).

Restoring the Park: Disorder, Civility, and Public Space

In some media articles, the language used blatantly defines encampment residents as outside of the orderly and civil public. Stuart and Beckett (2021) call unhoused individuals "those deemed most inconvenient to city life," implying that a) unhoused individuals are not human (circumstances, experiences, or non-human nature are often deemed inconvenient, not people) and b) that they are somehow outside of, or other than, "city life." This narrative of inconvenience and public disorder is also expressed by residents who live adjacent to encampments. One is quoted by Laurie (2021b): "It's complicated. Do I think the people have a

right to have a home? Yes, but it's also getting to be a bit much. There were over 100 tents in the park…there's a lot of drinking, fighting, screaming. Just not really something I want to (deal with) around lunch time." This depiction of encampment residents as disorderly can be seen in the context of civility and consumption in public space (Ranasinghe, 2009, 2011, 2015). The deterioration of "civility" (as defined by elite interests, beginning in 16th century Western Europe and continuing to today) is a threat to "consumption and the vitality of urban public spaces" (Ranasinghe, 2011, p.1935). Ranasinghe understands consumption as the movement or circulation of people and goods (2011, p.1929). When civility is positioned as a "pre-condition for consumption" (Ranasinghe, 2011, p. 1935), its absence threatens the continuation of unrestrained consumer society. As "civility is to be achieved through the exclusion of incivilities; the public realm is to be secured for the respectable through the exclusion of the unrespectable" (Fyfe et al, 2006, p. 854). This particular arrangement of community and civility is used to delineate new understandings of citizenship and justify the exclusion of certain people from public space (Ranasinghe, 2011).

The usage of the word "restoration" in an article and several press briefings is another indication that the encampment evictions constituted a return to order and good governance. DiManno (2021) writes, "one encampment was cleared and the process of *restoring* a downtown park to its *welcoming neighbourliness* began" (emphasis by author). DiManno's phrasing suggests that the evictions constitute a return to something inherently better, and DiManno's comment on "welcoming neighbourliness" designates who is included and excluded from perceptions of community. Several City press briefings contained similar language. Prior to the Trinity Bellwoods eviction, a City press briefing stated "the City will *restore* its parks" (City of Toronto, 2021f, emphasis by author). The City's press briefing after the Trinity Bellwoods eviction claimed that fencing in the park was placed to "allow crews to…begin the task of *restoring and repairing* the park grounds for *general public use*" (City of Toronto, 2021c). The press briefing prior to the Alexandra Park eviction states, "all individuals will be required to leave the park, which will allow City crews to start removing debris and *restoring* the grounds" (City of Toronto, 2021h, emphasis by author).

If we consider public parks to be non-human natural spaces, and then consider the link between restoration and environmental conservation movements (whose racist and colonial roots are well-established (Taylor, 2016; Powell, 2017; Kashwan et al, 2021), then perhaps the notion

of restoration of public parks is linked to colonial and racist environmental conceptions. Racist and colonial conceptions of environmental restoration focus on protecting pristine wilderness, and portray "nature as something to be enjoyed at one's leisure and thus it is *primarily* for the purposes of leisure that we must protect the environment" (Carter, 2018, p. 47). These conceptions are limited to "ideological construction(s) of the environment as something that can only truly be enjoyed doing specific "outdoor" activities that have evolved from [the] re-telling of colonial narratives" (Carter, 2018, p.47). The idea of restoring and reinstituting the parks to their former state is aligned with colonial and racist ideals of maintaining land in a pristine state, while disregarding the needs of those relying on said land for other reasons. It limits the use and users of non-human natural spaces to approved uses that are designated as such by whiteness and coloniality. This is particularly important when these "improper" uses of non-human natural space are key to the survival of a group. The sanctity of a patch of grass in a downtown park is immeasurably less important than the lives, agency, and wellbeing of encampment residents. DiManno and the City may disagree.

Whose Parks, and Whose Neighbourhoods?

In numerous City press briefings, encampment residents are classified as non-citizens. In a Toronto Star debate in July 2021, Chris Murray, the City Manager, said "*every resident* of Toronto must have *safe and unfettered* access to *their parks*. Establishing an encampment in a park is illegal and the city will enforce trespass notices to ensure its parks remain safe and accessible to *everyone*" (emphasis by author). After the evictions in Alexandra Park and Trinity Bellwoods, large parts of the park remained fenced off for months after, so nobody had "unfettered" access to those parks. More importantly, Murray is conceding that either encampment residents do not belong to this category of residents that deserve "safe and unfettered access" to "their parks," or that somehow their access is differentiated or less important than that of other denizens. This point is repeated in several press briefings. On June 22nd, 2021, the City's press briefing asserted that "City parks must also be safe and accessible to *all* residents of Toronto" (2021f, emphasis by author). Another press statement, released prior to the Lamport Stadium eviction, reads, "The Toronto Police Service will be present today to ensure the safety of encampment occupants, City workers and the public" (City of Toronto, 2021d). Again, here, encampment residents are separated from the public. While one could argue

that this is to distinguish encampment residents from the rest of the public, given that their experiences of the encampment evictions are disparate, the City could have specified this by writing "encampment occupants and the broader public" instead. After the Alexandra Park eviction, the City's press release stated that "public access is now available in the middle and northern portions of the park" (2021j). Of course, this "public access" excluded residents who were evicted from the encampment. In its justification of the $2 million the City spent on encampment evictions in the summer of 2021, the City stated that "trespass enforcement of encampments is about the health and safety of encampment occupants, as well *the right of all residents to have safe access to parks*" (City of Toronto, 2021i, emphasis by author). Again, the rights of encampment residents to access the park are differentiated from the right of "all residents.

Zivo writes that the encampment evictions were about "vulnerable citizens having the right to safely exist within their own neighbourhoods" (2021a). Zivo's assertion implies that encampment residents are non-citizens, and that they do not have ties or a relationship to the neighbourhood. In another article, Zivo writes that "the rights of the homeless matter, but they must be balanced against community safety needs — neighbourhoods cannot simply be abandoned to criminality and violence" (2021b). Zivo is invoking discourses of crime, violence, and safety, and neglecting to recognize that unhoused people also have a right to safety, community and life in that neighborhood. The argument that an encampment is something that happens *to* a community, rather than *within* a community, can be seen in this email from a housed resident to the City: "you have gone against your own laws and allowed this to happen in our community. The difference between the public parks and our hotel, is that there are no security guards, there are no laws or rules for people to follow in this encampment. You have *inflicted this on our community and on our lives*" (Gibson, 2021a, emphasis by author). The language used in this email calls for increased policing of encampments, appeals to the "rule of law" and restoration of order, and fails to see how encampments can self-regulate and create new ways of relating that can be "habitable and emancipatory" (Sparks, 2017, p.88). Moreover, the rhetoric in the aforementioned quote frames the issue as one of community: "public disorder which is, de facto a problem facing cities, is made a problem about community…the rhetoric of community has history on its side. Its very invocation draws on the nostalgia of the past: [imagined] close-knit communities with a core of shared values" (Ranasinghe, 2011, p.1931).

The shared values in this context, Ranasinghe (2011) would argue, are defined by civility and consumption, the former of which would not apply to encampment residents, as per this neighbour's perspective. In addition, "community is often invoked in discussions about public disorder both to frame the problem and to provide a solution to that problem" (Ranasinghe, 2011, p.1936). Thus, partially due to the perceived disorder they cause, encampments and their residents are being framed as outside of the community, and the solution to mitigating the public disorder is to exclude encampment residents from this community.

The exploration above shows that under discourses of order and citizenship, media articles and press briefings utilize colonial narratives of family, safety, and wellbeing in public space to position encampment residents as outside of "community," advancing differentiated access to urban citizenship. Moreover, notions of civility, disorder, and deviance in public space are mobilized to exclude unhoused people outside of the orderly public. Once encampment residents are seen as non-citizens who seek to use public space in illegitimate ways, the encampment evictions can be depicted as a return to order and good governance.

Concluding Discussion

This analysis has explored the narratives constructed in mainstream media and municipal press briefings about the evictions, their implications on questions of urban citizenship and the governance of public space, and the counter-narratives found in activist reports. The investigation revealed several interrelated findings on the ways discourse of governance, order, and citizenship are used to frame encampment residents as undeserving non-citizens, so their eviction would constitute a return to good order and good governance.

Counter-narratives derived from advocate reports and internal municipal documents revealed that the evictions were premeditated and planned, requiring coordination across various departments in the city. The City disregarded human rights alternatives to the evictions and negotiated with housing advocates in bad faith. Leading up to the evictions, the City infringed on the privacy of encampment residents through surveillance tactics including the collection of information and photos nonconsensually, made plans to deny press access to the sites of eviction, and exaggerated the fire risk of tents and other structures to justify the evictions.

During the evictions, very few shelter and permanent housing offers were made, and those that were offered were often spurious. In some instances, evicted encampment residents

would relocate to shelters they were promised space in only to be told there is no room for them. Moreover, despite denials of police violence (including the use of pepper spray) and the claim that advocates initiated physical violence, ESN reports convey the extent to which police acted with impunity. At the evictions, police on foot, bike, and horseback descended on encampment residents and supporters, causing injuries and arrests.

In light of the above, the dominant narratives constructed by the City and media paint a disparate image. Under discourses of governance, the City paints itself as a compassionate yet firm actor, adopting a neoliberal paternalistic mode of governance to police and punish poverty. Under these racist and colonial governance logics, the City mobilizes the language of compassion, care, and protection to mean something else entirely (Murphy, 2009; Sparks, 2011). In opposition to that, encampment residents are constructed as unreasonable and irresponsible actors who cannot be trusted to make good decisions for themselves, and are disciplined by state authority into doing what the City decides is best for them. This mode of governance inevitably strengthens the state, justifying overbearing state interventions, supposedly for the good of the poor and for broader society.

Using discourses of governance, a narrative of ambiguous responsibility is created by diverting blame from one city body to another and by blaming “protesters" for initiating violence instead of holding police accountable for the violence caused. This blame avoidance and deflection of responsibility happened in a multitude of ways, including high-ranking municipal officials claiming ignorance, evoking the outsider agitator trope to trivialize and invalidate advocate support, and employing a victim-victimizer strategy. Claims that advocates made the sites unsafe and even caused violence frame advocates as the ones causing disorder and disruption, evoking in-group and out-group dynamics to depoliticize the situation.

Another form of blame denial manifests in the framing of eviction as a last resort, where the City claims it has exhausted all other possibilities of action, going to extraordinary lengths and acting beyond what can be reasonably expected of it. As noted above, the City frames itself as a reasonable actor. Once that frame is established, then municipal decisions must occur within reason, so the City’s eviction tactics are presented as measured and justified.

Under discourses of citizenship and order, notions of community are mobilized to create false dilemmas. Specifically, binary oppositions centered in cis-heteronormative family ideals and colonial logics about safety and wellbeing are created to justify evictions by positioning

encampment residents as outside of the deserving public. These binaries divide the working class, situating unhoused people outside of it, and also evoke notions of vagrancy and disorder to claim that parks are for "families," not unhoused people. References to family and childhood are used to juxtapose supposed innocence to allegedly nefarious unhoused people, and the notion of families being exclusively entitled to public and green space is rooted in settler-colonial notions of nation-building. The white, heteronormative, nuclear family unit is essential to nation-building and notions of safety and well-ordered space (Ebron & Tsing, 2015; Tallbear, 2018).

Following from that, relying on notions of the public as orderly and civil to police urban space (Anderson, 2018; Ranasinghe, 2011), encampment residents are constructed as outside of the public, causing disorder and behaving outside of what is legally permitted. Evictions are thus framed as a return to order and good governance in the city. The assertion that the evictions are a return to order includes language on restoration of parks - to restore is to return to a better condition. Ideas about maintaining land in a pristine state despite the need for other uses align with assertions that nature is primary for leisure, which evolves from colonial narratives (Carter, 2018). In that context, encampment residents are framed as uncivilized non-citizens who cause disorder to public space and the public order. If the deterioration of civility is understood as a threat to the consumption and vitality of urban spaces (Ranasinghe, 2011) by bourgeois interests, that justifies the exclusion of "uncivilized" people from public spaces (Fyfe et al, 2006). These justifications are enmeshed with the logics of growth and progress that the visibility of informal housing apparently prevents. In some ways, encampment residents are directly cast as non-citizens, that only they do not deserve "public access" to parks. Notions of differentiated citizenship are racialized (Bhandar, 2018) and propertied (Roy, 2003).

It is evident that the narratives described above are not mutually exclusive, in fact, they are co-constitutive. For example, assertions that encampment residents are not part of the orderly, civilized public go hand in hand with the municipal documents and media articles' construction of them as unreasonable and irresponsible decision-makers. The City's framing of itself as a compassionate and reasonable actor leads into the narrative that the City only evicted encampment residents as a last resort. Narratives surrounding community, and framing encampments as an occurrence that happens *to* a community rather than *within* it also serve to frame the evictions as a return to order and good governance, to how things ought to be. The interplay of citizenship, governance, order, and evictions has been recounted by Bhan (2012),

who wrote that informal housing settlements are spatial manifestations of negotiated citizenships (p.180). The redefinition of concepts of "development, order, governance, citizens, and the public" (Bhan, 2012, p. 180) is necessary to frame encampment evictions as a return to order that is within the public interest.

The findings of this discourse analysis have several implications. They clarified the constructedness of narrative - how words, clauses, and modes of thinking presented as neutral are anything but. The findings illuminate the extent to which discourses surrounding governance, order and citizenship can be mobilized to justify exclusionary modes of governance in public space. Relying on logical fallacies and faulty argumentative strategies, the City and media create various interconnected narratives about encampments and their residents to depict them as outside of the orderly public, thus justifying their exclusion from public space. Given the far-reaching impact of narrative in justifying modes of governance that produce unequal and differentiated citizenships, the analysis also shows that counter-narratives can advance more just visions of the city. By revealing what is erased or otherwise censored by hegemonic narrative and centering the voices of the urban majority, counter-narratives embody a form of radical and insurgent planning.

The findings also raise questions for future research. First, while out of the scope of this project, a pattern of dismissive and dehumanizing language used to describe encampment residents was identified during the research process (Gray, 2021a; Stuart and Beckett, 2021; DiManno, 2021; Levy, 2021; Gee, 2021; Warmington, 2021a, 2021b, 2021c). How is this language mobilized, and to what ends? In what ways is it consistent with or different from language used to describe other vulnerated groups that experience spatio-legal exclusion? Second, during the data collection phase of this project, the same images from the evictions were repeatedly used in many articles. Future research is needed to analyze what kind of images become ubiquitous in media reporting on encampments, what discourses and narratives these images are enmeshed in, and to what effect. Attention to narrative and counter-narrative illuminates the kinds of stories we tell (and the ones we are told) about our cities - stories that can exclude or include the range of experiences and people that make and are made by the city.

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